

# LAW ENFORCEMENT NEWS

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## 10-codes' days may be numbered

*Homeland security concerns drive movement toward plain-talk*

By Jennifer Nislow

Where would Broderick Crawford of "Highway Patrol" fame, or any other cop, for that matter, be without a snappy "10-4" to signal an affirmative response? The country will soon find out.

The "10-codes" used for over 50 years by police and other first-responders to communicate in shorthand over the radio are being phased out and replaced by plain talk under a directive from the Department of Homeland Security that seeks to have all public safety agencies speaking the same language.

All agencies receiving federal emergency-preparedness funds must be in compliance with the National Incident Management System by September 2006. Run by the Federal Emergency Management Agency, the goal of the NIMS program is to standardize procedures across the country, including communications, for handling disasters.

"Common terminology in communications is necessary to support mutual aid and the infusion of new responders coming to an event so they will be able to communicate

with one another," notes the NIMS website. "All exercises you participate in should feature plain English commands so they can function in a multi-jurisdictional environment."

FEMA states that it will not cut off funding to a city because it hears of a first-responder using 10-codes. It is the agency's intention, it said, to take a "practical common-sense approach..."

States are required under the National Response Plan to come up with a plan for deploying NIMS. John Cohen, a senior advisor to Massachusetts Gov. Mitt Romney on homeland security issues, told Law Enforcement News that while jurisdictions are being told to make the switch to plain-talk, there are no guidelines to dictate how to eliminate 10-codes.

Ten-codes are a holdover from an era in law enforcement when there was a lesser chance that public safety agencies would have to communicate over the radio with outsiders, said Cohen. They helped instill professionalism and something Cohen calls

"radio discipline." The longer someone talks over the radio, he said, the greater the chance that its effectiveness as a means of communication is compromised. This was especially true in the days when once a person keyed the microphone, no one else could get on.

"Now things have evolved," said Cohen. "You are much more often in a situation where you have to communicate directly with other responders, whether they're from your same jurisdiction or outside. Interoperability is becoming more of the norm than the exception."

There are literally thousands of 10-codes, each unique to a given agency or jurisdiction. As an example of just how many 10-codes there are, Bill Cade of the Association of Public Safety Communication Officials told LEN that when consolidating three different municipal dispatch and fire dispatch centers in Florida in 2002, he found there were 173 versions of different 10-codes.

"We had one that meant 'check a suspicious person,' but in a different city it

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"Affirmative"? "Roger"?  
For Broderick Crawford, nothing but  
"10-4" will do.

### Boston post-mortem:

## 'Less-than-lethal' doesn't mean 'non-lethal'

Among numerous errors in training, planning and execution made by Boston police that led to the death of 21-year-old Victoria Snelgrove last fall was their mistaking a weapon that was less-than-lethal for one that was non-lethal, according to a report released in May by an independent panel.

Snelgrove, a student at Emerson College, was among the revelers who gathered outside of Fenway Park on Landsdowne Street on Oct. 21, 2004, to celebrate the Red Sox' victory over the New York Yankees for the American League Championship. An officer who had targeted a troublemaker moving through the crowd missed his shot, hitting Snelgrove instead with the pepper-ball projectile from his FN303 air gun. She died hours later.

In its 50-page report, the commission led by former United States Attorney Donald K. Stern concluded that Snelgrove's death was largely the result of poor decision-making by

the Boston Police Department.

"Our conclusions do not offer comfort for those who believe Victoria Snelgrove's death was a regrettable accident that could not have been prevented," the report said. "Nor will those who paint the police as generally prone to excessive force, and point to Ms. Snelgrove's death as evidence, likely appreciate the complex causes of this tragedy."

While inadequate planning and a breakdown in command at the scene contributed to the incident, panel members seized on the lack of training the department provided its

officers in the operational use of the FN303.

Twelve of the weapons had been purchased in 2004 as an addition to the Boston Police Department's less-than-lethal arsenal. Even given the dearth of data on such weapons, the agency still conducted only a minimal investigation concerning the performance and safety of the air guns, the report said.

"The area of training continues to be a huge issue with less-lethal rounds and there's a misconception in a lot of people's minds" that once an officer has undergone a manufacturer's certification program his or

her grasp of the weapon is perfect, said Maj. Steve Ijames, a less-than-lethal weapons expert with the Springfield, Mo., Police Department, who served on the Stern Commission.

In an exclusive interview with Law Enforcement News, Ijames went on to say that what most police get at such training sessions is technical knowledge of the weapon — which is as it should be. To ask a manufacturer to provide operational instruction would be pointless given the tremendous latitude chiefs have over when and how a

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## Ford feels the heat as new problem arises with flammable Crown Vics

Dashboard insulation that could potentially catch fire when overheated prompted the recall in May of law enforcement's most commonly used patrol car, the Ford Crown Victoria.

More than 150,000 of the vehicle's 2003-2005 models were recalled by the Ford Motor Co. when the car manufacturer received a small number of reports about the problem. Not all of the vehicles were being used by police. The vehicle is specifically designed for use by law enforcement and as taxi-cabs.

According to Ford spokeswoman Kristen Kinley, insulation could sag near a high-temperature component in the engine and become overheated. The company, she told The Associated Press, has not been able to

duplicate the condition in tests.

While the Albany, N.Y., Police Department did not report any such problems with their Crown Vics, 35 of them were part of the recall.

"I don't think we'll see any major problem with them using the vehicle in service, because Ford will actually send out the recalls and we'll schedule when to get them," said Stephen Collier, the city's Central Services Director. It would take approximately two weeks before the agency got its cars back, he told WALB-TV.

The Ford Crown Victoria might be the most popular car used for law enforcement, but many would argue that it is far from the safest.

Since 1983, at least 15 officers nationwide

have died in fires believed to have been sparked when Crown Victoria were involved in rear-end collisions.

Last year, a circuit-court jury in Belleville, Ill., found in favor of Ford and against law enforcement agencies from around the state that had joined a class-action suit. Although attorneys in January began laying the groundwork for an appeal, an increasing number of police departments have dropped out of the case under threat by the automaker that it would no longer sell them cars.

"Ford has people on the ropes on this issue," Richard Flood, a plaintiffs' attorney, told The Associated Press. Flood represents nine agencies in McHenry and Kane counties that have opted out of the suit.

**Dogs, decrees &  
other dimensions  
of use of force —  
a new report  
from PERF  
sorts things out.  
See Page 14.**



# AROUND THE NATION

## NORTHEAST



**CONNECTICUT** — Eleven older-model Hondas were reported stolen in Manchester in May, reflecting a growing national trend. The 1994 Honda Accord is second on the National Insurance Crime Bureau's 2002 list of cars most likely to be stolen. Police say that young people like them because they can be converted into race cars, or stripped for parts.

State legislators from Hartford have announced a 10-point anti-violence plan that calls for more funding for jobs for youths, support for anti-gun legislation, and the creation of a city Young Adult Commission. They also want state, local and federal officials to monitor an investigation into the fatal shooting of an 18-year-old by a Hartford police officer. By mid-May, there had been 10 homicides in the city this year, compared with six during the same period in 2004. Seven of the victims were 23 years old or younger.

Manchester police are putting extra officers in trouble spots in response to several recent incidents and complaints concerning youths. Residents have complained about being harassed, pedestrians and motorists have had their paths blocked, and a park concession stand was burglarized. Lt. Joseph Morrissey, an evening shift supervisor, said that the youths band together in groups resembling gangs but they are not as well organized as gangs police have dealt with in the past.

**MAINE** — On May 26, York County became the 11th county in the state to agree to share officers and dispatchers with a nearby state police troop. With the new plan, the county will be divided into three different zones, two of which will be patrolled by sheriff's deputies.

**MASSACHUSETTS** — The Boston Police Department has so far used \$187,000 earmarked for drug programs to hire out-of-state experts to process a backlog of fingerprint evidence, and Police Commissioner Kathleen O'Toole said the agency will continue to do so until it can create a crime scene unit. O'Toole shut down the department's fingerprint unit last fall when it was discovered that a Roxbury man had spent six years in prison for shooting a Boston police officer after poor fingerprint analysis erroneously linked him to the crime.

Quincy Mayor William Phelan is awaiting word from the State Ethics Commission on whether he can promote his wife's brother to lieutenant. The promotion may violate the state's conflict-of-interest rules but the Quincy charter has no provision by which the Mayor can remove himself from the decision and hand it off to someone else. Phelan has two other relatives coming up for promotion — his wife's cousin and a sister-in-law's husband — but they are not related closely enough to pose a conflict.

**NEW JERSEY** — New Jersey State Police Sgt. Richard Garcia is suing the department, claiming that he was discouraged from chasing vehicles, even when wrongdoers were clearly committing violations, because

officials feared being accused of racial profiling. Garcia said that after engaging in a few pursuits, superiors criticized him for violating procedures.

Elmwood Park Police Chief Don Ingrasselino said recently that a decrease in violent crimes in the borough is directly linked to a two-man narcotics squad he formed in 2004. Detectives Mike Kassai and Mark D'Amore have made 53 arrests and filed 80 drug charges since January, using anonymous tips, surveillance, undercover work and interdiction.

John Dee Kelly, a 39-year-old bank executive from Jersey City, surrendered to police May 26 after attempting to sexually assault an off-duty police officer in Union Beach. Kelly jumped out from behind a group of trees wearing nothing but a condom while the officer was jogging on a paved trail. She grabbed her pepper spray and a cell phone and said she was calling the police. She then chased him to his car and got his license plate number.

**NEW YORK** — Although bank robberies are down by 45 percent in New York City so far this year, Commerce Bank has had the most robberies and police say it is because of the bank's customer-friendly practices. Police Commissioner Raymond Kelly recently criticized the company for not adopting such security measures as glass partitions between customers and tellers. A bank spokesman said, however, that they may get robbed more because their branches stay open more days and for longer hours.

**RHODE ISLAND** — FBI Special Agent Robert Clifford, the director of the FBI's new MS-13 National Gang Task Force, led a conference in Providence May 26 on MS-13, the ultra-violent Central American gang that police say has about 100 members and associates in Rhode Island. Police are more concerned about MS-13 than any other group in Providence because they do not know a lot about it and although it is loosely knit at present, it is trying to grow.

## SOUTHEAST



**ALABAMA** — Sonny Sorrell, the acting chief in Parrish, was found shot to death beside a county monument to slain officers. The coroner said that the death appeared to be a suicide. Parrish leaders had stepped him of the chief title after deciding that there had been a procedural problem with the original vote, but Sorrell blamed the move on his attempts to stop drug sales, including his arrest of a City Council member and her husband on drug charges.

**ARKANSAS** — The Conway Police Department recently became only the third in the state to be accredited by the Commission on Accreditation for Law Enforcement Agencies. The department has been working toward accreditation for four years.

**FLORIDA** — Jacksonville Sheriff John Rutherford said that patrol officers will be getting their Tasers back after new guidelines are set for their use and officers receive

training in handling medical situations that arise from their use. Rutherford shelved the weapons in February in reaction to dozens of reports of deaths nationally due to stun gun shocks. Jacksonville Officer G.A. Nelson was suspended for three days in May for using his Taser to subdue a 13-year-old girl who was handcuffed in the back of his patrol car.

In what was described by the town police chief as a miracle, a Lake Worth police officer found a missing 8-year-old girl baled under rocks in a recycling container at an area landfill. Police Sgt. Mike Hall was searching for the child when he looked inside the container and saw her foot and hand, and noticed a finger moving. The girl had been sexually assaulted and left for dead. Milagro Cunningham, 17, was later arrested and charged in the attack.

Craig Bodie, 46, a former New York detective, was shot and killed May 27 by a SWAT team member in Boca Raton after charging out of his wife's home wearing three bulletproof vests and firing a semiautomatic handgun. Deputies responded to a 911 call and were told by Bodie's wife that he was threatening to kill himself. Bodie was firing shots from inside the home. When he finally emerged, he fired several shots at deputies. Officials labeled the death a "suicide by cop."

Delray Beach Police Chief Larry Schroeder said that he would like to create a citizen's advisory board but some members of the city's race relations committee said that little would be accomplished because the board would not be able to investigate police officers. Following the fatal police shooting of a 16-year-old on a school campus, residents called for a citizens review board that could investigate complaints against police, but Schroeder said that a review board's investigative powers would be limited under the state's police bill of rights.

**MISSISSIPPI** — The Greenville Police Department is expanding its Juvenile Investigation Unit and will be enforcing the town's 11 p.m. curfew. Police Chief Lester Carter said that 60 percent of Greenville's crime is committed by juveniles and the problem needs to be addressed. Iris Moore, who supervises the Juvenile Investigation Unit said that in addition to patrolling the streets, the unit will check bars and lounges for any underage drinking.

In what a witness said was a "classic case of suicide by police," a Southaven police sniper killed Benny Jones May 23 with a single shot to the upper torso after officers tried repeatedly to get him to lay down his weapons. Jones had reportedly fired 30 to 40 shots at police. Capt. Cliff Freeman said that there were a lot of people around and police had to consider where the bullets would go if they missed. The Mississippi Bureau of Investigation is performing a psychological autopsy in hopes of determining the reason for Jones's behavior.

**NORTH CAROLINA** — Upon request, police in Kernersville will once again check on the homes of vacationing residents' houses while they are away on vacation this summer. Residents who request the service are asked about vehicles that will be left at the house, lights that are left on, or lights on timers, and they must provide an emergency

number that police can call if they need to be contacted. The free security-check service has been provided for more than 20 years.

A strict curfew ordinance in Knightdale is getting mixed reviews from residents. The curfew prohibits anyone under age 18 from being out in a public space after 9 p.m. unless accompanied by an adult. Critics say that the curfew punishes all youths for the misdeeds of a few, but many parents say the law can help prevent further infiltration of gangs into their neighborhoods.

**TENNESSEE** — An autopsy found that a man who died after being stunned with a Taser by police actually choked to death on a plastic bag containing cocaine rocks. Nashville police say they used the Taser on Walter Lamont Seats so that he would spit out the rock of cocaine in his mouth. They are not sure whether he swallowed the rock at that point or hid it under his tongue.

Following an internal affairs investigation, Chattanooga police Sgt. Patrick Welles was fired for sexual impropriety for having sex in his patrol car while on duty. Welles, an 11-year veteran, is the fifth officer terminated from that department this year. No criminal charges will be filed in the case.

## MIDWEST



**INDIANA** — During a news conference on May 18, officials in Gary showed off a new system, ShotSpotter, which uses a series of utility pole-mounted sensors to determine exactly where and when a gun is fired. Mayor Scott King said that while Gary's homicide rate has declined in the past decade, there are still too many killings.

With the city's Hispanic population on the rise, applicants to the Anderson Police Department who are fluent in both Spanish and English may have a leg up on the competition. Currently, city officers use flash cards that instruct them on how to ask for driver's licenses and registrations in Spanish.

Neighbors complained when the Evansville police SWAT team raided a vacant house to conduct a drill. They said they had no advance notice that the team was going to perform the drill. In addition, they said, SWAT officers were still in the vicinity when school buses began bringing children home, forcing the buses to let the children off around the corner.

A crowd surrounding a man who was attacking a Gary police officer urged the assailant on. Patrolman Carl Cochran was investigating a domestic dispute call May 18 when he was attacked by Kelvin D. Banks. They were on the ground and Banks was choking Cochran when a group of residents started urging Banks to keep up the attack. Cochran's partner eventually showed up and the two officers were able to subdue Banks. Additional patrols have since been ordered in the neighborhood.

**KENTUCKY** — The Bowling Green Police Department has assembled a new five-member cold case team, made up of department members and Citizens' Police Academy alumni, to conduct semi-annual reviews of



old cases. The team will see if there are any unanswered questions or if new technology could be applied to existing evidence. Capt. Gary Rich said that the department does not want to give anyone false hope, as old cases are often saddled with including a lack of evidence and dead witnesses or suspects.

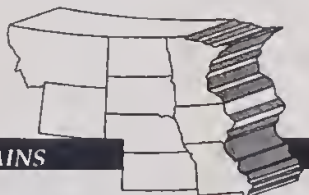
**MICHIGAN** — State Police Trooper Jay Morningstar has been charged with second-degree murder in the shooting death of a homeless man, Eric Williams. The incident occurred when troopers responded to assist Detroit police who were dispatched to a disturbance call at a bar. Williams began walking toward the troopers and Morningstar allegedly shot him when he didn't comply with orders to stop.

State Representative Paul Condino unveiled a plan to track down attackers of police officers. The "Blue Alert" system, similar to the Amber Alert system, would broadcast information about attacks on police officers immediately to media outlets.

**OHIO** — A part-time Castalia police officer, Derik Wilhelm, has been charged with two counts of animal cruelty after he allegedly threw two kittens out of his car window while driving at 70 miles per hour. Wilhelm is denying the allegations.

Cincinnati police officers Douglas Struder and Kaneshia Howell have been assigned to desk duty following an incident in which they handcuffed a 5-year-old after a fight on a school bus. A lawsuit filed by the child's mother claims that the officers put her son in handcuffs for "an unreasonable amount of time."

**WEST VIRGINIA** — A recently released secret grand jury report on the work of Charleston Police Cpl. William Hart, who is accused of letting a drug dealer's ex-wife keep hidden drug money, said that the Kanawha County-area narcotics unit failed to put checks in place that would prevent such actions by rogue cops. Charleston Police Chief Brent Webster said that the unit has been revamped to better track evidence and has added another supervisor.



## PLAINS

**MINNESOTA** — Former St. Paul police officer Tou Mo Cha will serve 30 days in jail and pay a fine of \$1,000 for lending out his service revolver, which was later used to shoot up a Hmong leader's home. Cha said that he lent the gun to a Hmong businessman, Chue Chou Tchong, because Tchong threatened Cha's family.

Harry Jerome Evans has been charged with first-degree murder in the fatal shooting of St. Paul police Sgt. Gerald Vick. Vick and his partner were working undercover outside a St. Paul bar May 6 when they were confronted by Evans and another man. Evans shot Vick several times. He was found later after a massive search.

**MISSOURI** — Missouri will soon join 10 other states in offering higher-tech Amber Alerts. The new system will send alerts via e-

mail, cell phones and pagers, and will also allow police secure access to posting information on a website that will deliver alerts immediately to other police agencies, transit authorities, the media and others.

Because St. Louis and St. Louis County have refused to issue any concealed weapon permits despite a state law authorizing them, many residents are filing for permits from other states, such as Pennsylvania, Florida and Utah, which Missouri honors. A new change in the law will force the county and city to fall in line with the rest of the state.

St. Charles County Sheriff Tom Neer has revoked his predecessor's policy of allowing deputies to moonlight as security guards at wineries. Neer said a policy banning moonlighting at places where alcohol is a primary item for sale was in effect for nearly 20 years before former sheriff Tim Swope reversed it in 2003. Neer agreed to delay the new ban's effective date so that businesses could come up with new security procedures.

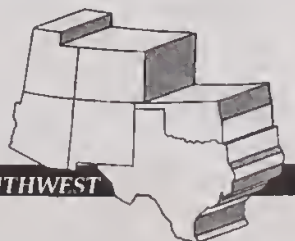
The Missouri Police Chiefs Chantable Foundation has renewed its contract with a fundraiser, United Appeal Inc., even though the company takes too big a share of contributions. A foundation official said that although United Appeal takes 80 percent of the money raised, the arrangement was the best one the chiefs could get.

**MONTANA** — A fatal shooting at the U.S.-Canada border has underscored the confusion surrounding security along the border. Ron Moran of the Canadian customs officers' union said that the shooting so close to the customs office alarmed the unarmed officers, and indicated that the officers need a Canadian armed service to back them up. The Royal Canadian Mounted Police and the Canada Border Services Agency both say it is the other agency's responsibility.

**NEBRASKA** — Aaron Hanson has succeeded Sgt. Tim Andersen as president of Omaha Police Union Local 101. Andersen stepped down after a turbulent year in office that included an internal affairs investigation into his conduct and the union treasurer's firing for insubordination by Police Chief Thomas Warren.

As a result of higher gasoline prices, auto parts stores are reporting increased sales in locking gas caps. In Nebraska, the average price for regular unleaded gas was \$2.23 in early May.

**NORTH DAKOTA** — Law enforcement officials have made 111 meth lab busts in the state so far this year, compared to 74 during the same period in 2004. Attorney General Wayne Stenehjem said that authorities are also finding more labs in rural areas.



## SOUTHWEST

**ARIZONA** — Sixteen current and former law enforcement personnel and U.S. soldiers were caught taking payoffs to help move drugs through border checkpoints. The arrests were made as a result of an FBI sting

in which agents posed as cocaine traffickers.

**COLORADO** — In a move said to be prompted by environmental concerns, officers in Aspen will be trading in their Saab sedans for more luxurious Volvo SUVs. The Volvo's get 20 miles per gallon, produce low emissions, and have good crash-test ratings.

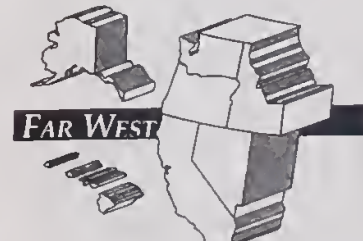
The manhunt for an illegal immigrant who is suspected of having fatally shot Denver police officer Donald Young has raised concerns over how law enforcement deals with immigrants. The suspect, Raul Garcia-Gomez, had been previously involved in several minor traffic accidents but had never been detained. Many officials say that they do not detain illegals unless there is an arrestable offense, and that they don't call federal immigration officials because they usually do not come.

**NEW MEXICO** — Albuquerque vice detective Timothy J. Chavez is facing charges on suspicion of raping a 14-year-old girl he met through a dating service. He was arrested after DNA taken from the victim matched his. Police also obtained records that showed Chavez made a call to the dating service and was connected with the girl.

**TEXAS** — Gatesville Police Officer Wesley John Friedrich was fired May 20 following his arraignment on charges in connection with a bank robbery near Temple last September. He was charged with being an accessory after the fact. His wife and another man have also been charged with the robbery. Friedrich allegedly helped bury the proceeds.

On May 20, a jury convicted former Balcones Heights patrolman Rolando Rico Trevino of conspiring with another officer, Dwaun Jabber Guidry, to violate the civil rights of five women by molesting them at the city's police station. The women had been arrested for public intoxication. Trevino's lawyer said that Guidry instigated the sex and Trevino went along with it because he was a probationary employee who believed he could be fired for no reason. Guidry was convicted in January.

The Sealy City Council has unanimously rejected a proposal to start a citizen review council to address concerns about the police. Mayor Russell Koym said that there were already sufficient mechanisms in place to handle citizen concerns. The issue was raised after police allegedly used excessive force on a 51-year-old disabled black man accused of public intoxication.



## FAR WEST

**CALIFORNIA** — The number of false alarms in Turlock has not gone down appreciably despite the imposition of fines for such calls, prompting police to consider adopting a verified-response policy. Alarms would only be answered once a burglary is confirmed at the scene.

Burbank Mayor Jef Vander Borgh said that he will consider raising police salaries in an

attempt to fill more than a half-dozen vacancies on the police force. In January, 100 applicants showed up for Burbank's recruit test, compared to 400 eight years ago.

After an investigation that took nearly a year, Los Angeles Police Chief William J. Bratton said that the two officers who were videotaped beating an ex-convict joy rider will face serious departmental charges while four others will get suspensions of 4 to 15 days. Officer John Hatfield was accused of hitting the suspect 11 times with a metal flashlight; Officer David Hale was the second officer on the scene and tried to handcuff the suspect. The police union accused Bratton of ignoring the facts in the case.

On April 29, Tommy Edward Scott became the first Los Angeles Airport police officer to be killed in the line of duty. Scott had stopped William Sadowski while he was walking, and a struggle ensued. Sadowski somehow got control of the officer's vehicle and drove off, carrying Scott alongside. The car eventually hit a fire hydrant. Sadowski then commandeered another vehicle and crashed it about a half mile away, where he was arrested. Scott, 35, died at the scene.

Samuel Martinez, 34, was fatally shot by a San Jose police officer after he took away the officer's baton and threatened him with it. He also shrugged off three stun-gun shocks. The officer has been placed on administrative leave pending an investigation.

The National Institute for Truth Verification, the company that makes a voice analyzer test that was used to interrogate the brother of a murdered 12-year-old girl, has agreed to settle a lawsuit brought by the boy's family and the families of two of his friends. The three boys were initially charged in the murder but the charges were dropped when the victim's blood was found on a transient's sweatshirt. The transient was eventually convicted of manslaughter.

Former Santa Clara County sheriff's lieutenant Armand Tiano and two other men were sentenced May 25 to lengthy prison terms for their roles as ringleaders of a law enforcement fundraising scam. Tiano, along with the brothers George and Matt Kellner, reportedly took in millions of dollars, of which less than \$50,000 went to charity.

**NEVADA** — The Nevada Division of Investigation recently unveiled "The Terminator," a machine that makes it easier to destroy confiscated illegal drugs. During a demonstration, officials destroyed marijuana, cocaine, methamphetamine and illegal steroids, burning them with a heat that left nothing but ash.

**OREGON** — Due in part to an increasing number of drug-related identity theft cases, the Eugene Police Department has had to limit its caseload by raising the threshold on financial investigations to those involving losses of at least \$1,250, up from \$1,000.

**WASHINGTON** — The state is considering revoking a vanity license plate with the inscription C9H13N — the chemical symbol for methamphetamine. State law allows the denial or revocation of a license plate if it relates to alcohol or illicit substances. The driver of the car, a black 2002 Audi, insisted that the letters and numbers represented the signature for red food coloring.



# NOPD officers reinstated in crime-stat fix

When city and police officials in New Orleans fired five officers and demoted a sixth for downgrading crime statistics, they believed they were sending a message that such behavior would not be tolerated. But that message has been hopelessly compromised, says one well-placed observer, by the officers' reinstatement less than two years later.

The city and police department in May announced that Capt. Norvel Orazio, Lt. Michael Glasser, Sgt. Aaron Blackwell, Sgt. Gary Le Rouge and Officer Stephen Kriebel would receive full back pay, along with a return to their previous ranks and seniority. A probationary lieutenant who was demoted to officer and suspended, William Ceravolo, will be returned to his rank, as well.

An internal investigation by the department's Public Integrity Division found that the officers and their commander, all from the city's 1st District, had fudged statistics in an attempt to win the agency's quarterly crime reduction award. The inquiry had been launched after some officers in that district complained that carjackings, shootings and other serious crimes were being entered as lesser offenses.

Looking at a sample of 690 reports written in the district between January 2002 and June 2003, PID investigators found 250 of the crimes — 42 percent — had been misclassified in order to dodge having to include them in the FBI's Uniform Crime Report. According to the 225-page report submitted by the integrity division, more than 200 of these had included violence and threats. The classifications in another 17 percent of the crime reports were said to be questionable.

Investigators found that crime fell by 18 percent in 2002 compared to the previous year, not the 21.5 percent that 1st District boasted. During the first six months of 2003, it fell by 31.5 percent compared to the same period a year earlier, not the 35 percent that was originally reported.

Following the report, Superintendent Eddie Compass fired the officers. He also did away with the crime reduction award. The ousted officers appealed their dismissals to the Civil Service Commission, claiming that the disciplinary action taken against them was arbitrary and unreasonable.

While the civil service hearings had been ongoing since December, a development in an unrelated case in May bolstered the officers' appeal. The state Supreme Court let stand an appellate ruling which held that the New Orleans Police Department had violated Louisiana's police officers bill of

## Downgrading crime statistics puts the public at risk, since deployment is based in part on those numbers, notes one observer.

rights by not completing an internal investigation within the 60-day deadline. Once the case against the officer was rendered moot, he was reinstated.

According to the officers who have taken to calling themselves the 1st District Six, investigators blew not only the first 60-day deadline, but an automatic 60-day extension.

Attorneys for the officers argued that in light of the ruling by the 4th Circuit Court of Appeals, their clients should be reinstated immediately. How much back pay the officers would receive and where they would be assigned has not been disclosed.

"In being reinstated, with their full former rank and back pay, it's like they got paid for a two-year vacation," said Raphael Goyeneche, president of the city's Metropolitan Crime Commission. "They didn't even get any sanction of any type."

Referring to reports by The Times-Picayune of New Orleans that Compass had favored internal discipline in 2003 rather than termination, fearing it would not stand up to civil service scrutiny, Goyeneche said that some type of discipline should still have been imposed on those officers.

By downgrading statistics, he told Law Enforcement News, the officers put the public at risk. Deployment, to a certain extent, is based on those numbers. If the figures are manipulated to make it look as though a community is safer than it is, then fewer resources will be assigned there. Moreover, crimes that are downgraded are not investigated, said Goyeneche, so victims

are victimized twice — once by the perpetrator and again by police.

Mayor Ray Nagin, he added, had said at the time that he would "fight this thing" to the Supreme Court, if necessary.

"Well, they didn't even fight it through civil service because it was settled in civil service before the case was even completely heard," Goyeneche told LEN.

Fixing crime statistics is by no means unique to the NOPD.

In Broward County, Fla., following a 17-month probe by the State Attorney's Office, three sheriff's deputies were charged with falsifying records.

Former sheriff's detective Joe Isabella pleaded guilty in April to falsifying a police report. Isabella, 34, admitted that he had wrongfully cleared cases, but said he had been coerced by supervisors and colleagues.

Had he gone to trial, Isabella said he had intended to use that as his defense. The two other defendants, detectives Christian Zapata and Chris Theman, had the same idea. But Broward Circuit Judge Michael Gates ruled in May that they could not present any evidence, or testimony, that their cooking the books was done at the behest of supervisors.

Zapata, an eight-year veteran, is charged with making up confessions and pinning crimes on those already in custody, or on juveniles who were in school at the time the offense was committed, according to a report by The Miami Herald.

In one instance, Zapata blamed a 14-year-old for nearly 30 crimes, including the

hauling of 27 trees weighing more than six tons from a vacant lot. He also blamed a number of burglaries on a 21-year-old. The theft of an amplifier from the trunk of a car took place 16 hours after the arrestee was in custody.

Theman was also charged with multiple counts of official misconduct. Both he and Zapata were arrested in December and are on paid administrative leave.

The sheriff's office cautioned that the higher crime rates shown for 2004 do not reflect a crime spree, but rather a more truthful picture of the number of offenses that were committed in the jurisdiction last year.

Pompano Beach, for example, showed an increase of almost 61 percent, fueled largely by rapes, robberies and auto thefts. In Weston, crime rose by nearly 68 percent. And in unincorporated Broward County, a 57 percent increase was spurred by aggravated assaults, larcenies and robberies.

Just as crime rates increased, clearance rates in Broward declined. Last year, 22 percent of cases were cleared by arrest, compared to 28 percent in 2003. Cases that were exceptionally cleared fell from 23 percent in 2003 to just eight percent last year.

Exceptional clearance is a term used to describe cases in which no arrest has been made or criminal charges filed, but the law enforcement agency considers the case closed. Deputies in the Broward Sheriff's Office abused exceptional clearance by pinning crimes — mainly burglaries — on arrestees already in custody.

Under the more conservative crime reporting system implemented by Sheriff Ken Jenne, a report about a missing cellphone, for example, would be reported as "stolen." In 2003, it would have been classified as "lost property," said Cheryl Stopnick, a department spokeswoman.

## Matrix resurrected? Florida looks for successor to anticrime database

With the controversial anticrime database known as Matrix having been officially shut down in April, Florida law enforcement officials are now soliciting proposals from private firms that could help police obtain the personal credit and insurance information that Matrix had provided.

Matrix, short for Multistate Anti-Terrorism Information Exchange, began three years ago with 13 states and was down to just four — Pennsylvania, Florida, Ohio and Connecticut — before its plug was pulled amid privacy concerns and cost.

The system was designed as an anti-terrorism network that could link databases and discern patterns among seemingly unrelated bits of information at a phenomenal speed. For example, using Matrix it would be possible to call up the name and address of every brown-haired owner of a red Ford pickup truck within a 20-mile radius of a suspicious event. [See LEN, Sept. 15/31, 2003.]

Matrix could pull together details — even fragments of information like an incomplete address — from data on property ownership, boats, domain names, past residences, bankruptcies, liens and other business filings, according to a report in 2003 by the Georgia state Office of Homeland Security

It could respond to a query on a suspect so quickly, said Lt. Col. Ralph Penardi of the Pennsylvania State Police, that there were incidents where officers were sitting "in that person's driveway when they came back and there was evidence of that crime in that car."

In the past two and a half years, 1.9 million queries have been made to Pennsylvania's system.

But the network also provoked the outrage of civil libertarians.

"Creating a file on people who are not suspected of criminal activity, simply because there is the electronic capacity to do so, is so profoundly un-American," Howard Simon, executive director for the Florida Civil Liberties Union, told The Associated Press.

A Boca Raton-based firm, Seisint, was awarded the \$1.6-million contract from the Florida Department of Law Enforcement to help create Matrix. Another \$4 million was provided by the U.S. Justice Department, and the Department of Homeland Security pledged another \$8 million.

Seisint founder Hank Asher designed the system by combining state records with data culled by the firm. Matrix held four billion records. While Asher claimed that the program used only public records, The AP last year reported that he had turned over to

Florida authorities the names of 120,000 people who showed a statistical likelihood of being terrorists.

Asher stepped down from the company's board in 2003 after past ties to Bahamian drug smugglers were revealed.

According to The AP, a one-year, \$259,600 federal homeland security grant will pay for Ohio to use an element of Matrix called the Factual Analysis Criminal Threat Solution. The database combines information available commercially to law enforcement with those databases that hold information on criminals.

Some 200 law enforcement agencies statewide will be able to access the service, Kim Norris, a spokeswoman for Ohio Attorney General Jim Petro told The AP.

Florida is still using the Matrix's operating system, but it is no longer linked to other states. The only data missing from the network is financial and insurance information.

To that end, the FDLE is seeking proposals that would provide credit information, including a person's name, current and previous addresses, phone number, date of birth and Social Security number.

"We are legally entitled to that," said Mark Zadra, chief of investigations for the agency's Office of Statewide Intelligence

### Coming up in LEN:

Bike patrols can be a pain in the...

Research shows serious health risks from too much time in the saddle.

Only in Law Enforcement News.



# Home, sweet home

## St. Louis officers win easing of residency rules

A 32-year fight between the St. Louis Police Department and its officers was finally settled in April when the city's police commissioners voted 3-2 to eliminate a much disputed residency rule.

The regulation required that police live within city limits and had been fought by the St. Louis Police Officers' Association since its enactment in 1973.

Under the new policy, those with seven years of service will be eligible to move as far as one hour from the patrol stations where they work. New officers will begin accruing their seven years after first completing training and their probationary period.

Although the change will affect as many as three-fourths of the department's 1,360 officers, it is still difficult to gauge how many are actually going to take advantage of it. Those with children in the St. Louis public schools may be the first to go.

"If I didn't have children, I probably wouldn't even consider it," Officer Tommy Simon told The St. Louis Post-Dispatch. His two children, said Simon, have suffered enough.

Still, it will probably be a year before he makes a decision. First, Simon said, he will have to see how much his current house in the Carondelet neighborhood is worth. That will allow him and his wife to determine what they can afford to purchase.

"The pay hasn't changed, just the status of where we can live," Simon said.

Lt. Ed Kuntz, on the other hand, said he has no intention of moving away from the south city neighborhood where he has raised his family, and where his sister and brother live, too.

"We've got roots here," he told The Post-Dispatch. "This is our adopted neighborhood. We have no plans to move."

Kuntz's children, now young adults, attended parochial school. So do the children of Tom Billadeau, a 17-year veteran, and his wife, Lisa.

"If it wasn't for the parish we live in and the Catholic school that I like so much, it would have been a harder decision on whether to stay," Lisa Billadeau told the newspaper. "I really do think the firemen and the policemen make up a big part of the city's strength."

Due to a provision in the city's constitution that dates back to the Civil War, St. Louis's elected officials have less control over their police department than do their counterparts in other municipalities. The agency is run by a five-member Board of Police Commissioners that includes the mayor and four others appointed by the governor.

With the election last November of Republican Matt Blunt as governor, and a Republican-controlled legislature, the time was right for police to push the issue of residency restrictions.

But Mayor Francis Slay, who was one of two dissenting votes, was not pleased with the result. He argued that voters had rejected a non-binding referendum on the matter by a margin of 2-1 in 1995.

"I am very disappointed in the decision of this board," he said. "If you get a paycheck from the city of St. Louis, you ought to be required to live in the city."

Only police will be allowed to live outside of St. Louis; other municipal employees must still abide by a residency rule.

### Kid gloves:

## LAPD monitor calls for disciplinary changes

Until changes can be made to the City Charter that would fundamentally alter the way Los Angeles police officers are disciplined, Chief William J. Bratton should use whatever powers are at his disposal to punish problem officers, the agency's federal monitor suggested recently.

In a report issued in May, Michael Cherkasky concluded that the LAPD's system for disciplining officers was slow and ineffective. Under the current system, a three-member Board of Rights — not the chief — makes the final determination as to whether or not an officer is punished.

Cherkasky was appointed by a federal judge to oversee reforms mandated under a 2002 consent decree.

Although he cited no specific examples, Cherkasky said the Board of Rights has "historically undercut" disciplinary recommendations by the city's Police Commission and the chief of police.

The Los Angeles Times found at least three instances in which the two high-ranking police officials and one civilian who make up the board have overturned decisions. In 1999, for example, they found the shooting of Margaret Mitchell, a 55-year-old mentally ill homeless woman, justified al-

though the Police Commission had ruled that Officer Edward Larrigan's actions violated departmental policy.

Suspending officers, said Cherkasky, is often pointless as a deterrent since officers can often get insurance through their union to make up for lost wages.

"When the judgment of an officer is found to be flawed in the decision of whether to employ deadly physical force, the consequence must be significant enough to both prevent that officer from again exercising poor judgment and to deter other officers from making similar mistakes," he wrote.

Cherkasky recommended that Bratton reduce pay and confiscate the guns and badges of officers suspended for misconduct. Giving the chief final say over discipline, however, would mean amending the City Charter — something that community activists are pushing for.

The Board of Rights was created during the 1930s as a safeguard against political interference in the LAPD.

Lt. Paul Vernon, an LAPD spokesman, told Law Enforcement News that Bratton "is limited under the City Charter."

"There is due process for the officers that must be followed," said Vernon. "While in

some cases, some of that may seem that it either delays discipline or puts in some restrictions, it is there as a check and balance to authority... so it is not abused."

The chief has the authority to summarily suspend an officer for up to 22 days. If the officer wants to challenge that suspension, said Vernon, he or she may ask to be heard by the Board of Rights. If that panel finds the officer guilty of misconduct, it can recommend disciplinary action which the chief can either accept or reduce, but not increase.

The same is true in cases where the chief wants to suspend someone for more than 22 days. To do that, the officer must be brought before the rights board. Again, the chief's power is limited to either accepting or reducing the disciplinary action meted out by the panel.

"All of that is codified within the City Charter," Vernon noted. "In order to change that process, there would have to be a City Charter amendment."

The Los Angeles Police Protective League called Cherkasky's suggestion "simply outrageous."

In a written statement, union officials stressed the importance of the Board of

Rights being insulated from political pressure.

"It is critical we have in place a discipline system that is not swayed by the self-appointed community leaders who are baying for an officer's head," union officials said. "In the past, we have seen leaders of this department, the Police Commission, and elected leaders in this city cower before perceived public opinion when a police officer uses force."

Cherkasky, they said, would not dare suggest that a judge be allowed to impose punishment prior to a trial during which the facts are established.

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## Study ponders whether Oklahoma criminal justice has it in for blacks

Blacks in Oklahoma are treated more harshly than whites at nearly every stage of the criminal justice process, according to a study released in April by the state's Criminal Justice Resource Center.

Researchers examining recent data from Oklahoma's criminal justice system found that blacks are 30 percent more likely to be stopped by police, 70 percent more likely to be searched after a traffic stop, and 40 percent more likely to be arrested. As defendants, they are 20 percent more likely to be convicted of a felony, and 20 percent more likely to be sentenced to prison.

Blacks make up just 7.7 percent of Oklahoma's population, but they account for

18 percent of arrests there, and 30 percent of the state's prisoners, said the report.

"Whenever you talk about disparity, you have to distinguish between warranted disparity and unwarranted disparity," K. C. Moon, the center's director, told The Tulsa World. "Unwarranted disparity is the thing that everybody hates. For example, blacks represent 20.6 percent of felony convictions, and they represent 25.5 percent of convictions that lead to imprisonment. That difference would indicate that there is disparity."

Once in the prison system, however, there are fewer disparities. Blacks are as likely as whites to win parole, and serve the same

percentage of their sentences as prisoners of other races. Moon also found no bias in community sentencing programs.

But blacks were half as likely as whites to be sentenced to drug courts and somewhat less likely to receive probation, he said.

In the center's 2003 annual report, one-quarter of African American offenders were found to have three or more prior felony convictions — a higher percentage than any other race. Blacks convicted of crimes for which 85 percent of the sentence must be served — known as "deadly sin" offenses in Oklahoma — were less likely than other races to receive shorter sentences, the report said.



## Ready for a closeup

Along with television stars from the programs "Lost" and "West Wing," the Piscataquis County, Me., Sheriff's Department will also be featured in the upcoming film "Whisper" — or at least its vehicles will be.

When first approached by Whisper Productions Inc. of Vancouver, B.C., Canada, about using the department's name on vehicles in the film, Sheriff John Goggin declined. He was worried, he told The Bangor Daily News, that the movie might contain pornography. But once he read the script, and saw who would be in the cast, he changed his mind.

"I think most of us feel kind of flattered that they picked us to represent the law enforcement in the film," Goggin told a meeting of county commissioners in May.

The film is about an 8-year-old boy who is kidnapped by an ex-convict and three of his friends who take him to a remote cabin in the middle of winter. It is not long before they realize the child, who has been playing mind games with them, has special abilities.

Piscataquis County was selected because the screenwriter wanted a location that was close to the Canadian border, according to Lisa Ragozin, the product placement and clearances coordinator for Whisper Productions.

"Whisper," which is due out in 2006 and is not yet rated, will star John Holloway of the show "Lost" as the ex-convict kidnapper and Dulé Hill of "The West Wing" as a detective. It is being produced by Gold Circle Films, which also produced "My Big Fat Greek Wedding" and "White Noise."

## On to academia

Maybe one day some new technology will allow forensic scientists to identify the remains of more than 1,000 victims of the Sept. 11, 2001, terrorist attacks. But until then, Dr. Robert Shaler, chief forensic biologist at the New York City medical examiner's office, has accepted science's limitations as well as his own.

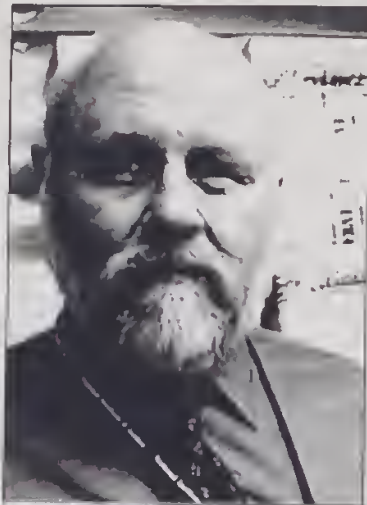
The 62-year-old Shaler said he had promised himself that he would retire once his work at the World Trade Center was done. Stress, he said, contributed to a heart attack he suffered in 2003. Sucking to his plan, Shaler is leaving to help launch a new four-year forensic major at Pennsylvania State University.

"I started my career here," he told The Associated Press. "It just made sense to me that it's a nice way to end my career."

In the first 20 months after 9/11, Shaler worked 18-hour days that began at 4 A.M. The medical examiner's office was able to match the remains of 1,600 victims, testing chunks of tissue and bone fragments using DNA technology. But in February, efforts to match the remaining 1,100 victims were exhausted.

Shaler met with victims' families. Each encounter, he said, was "always a different experience."

After his heart attack, he slowed down somewhat. Instead of leaving work at 9 P.M.,



**Dr. Robert Shaler**  
*Accepting limitations.*

he tried to end his work day by 3 in the afternoon.

Shaler received a doctorate in biochemistry from Penn State in 1968. He is also a

professor of forensic medicine at the New York University School of Medicine and has served as an adjunct associate professor at John Jay College of Criminal Justice.

As Shaler envisions it, a building on the Penn State campus will be turned into a virtual laboratory with audio and video technology helping to create crime scenes. From these, students will learn how to look for and process evidence.

While university officials had considered Shaler for the job last year, they did not offer it to him until a few months ago.

Penn State president Graham Spanier said Shaler's presence will allow the university to meet a growing demand, much of it fueled by television, for forensic scientists and criminalistics experts.

"This will be the most rigorous and comprehensive program in the country for undergraduates," said Shaler. "Students will be exposed to the forensic sciences immediately beginning in the first year and then throughout the entire program. My expectation is that Penn State will be training the future benchmark scientists and leaders in the field."

## Seeking stability

Cranston, R.I.'s new police chief wants a five-year contract, but City Council members are concerned that such an agreement would not only violate the municipal charter, but leave any future mayor with an employee who could not be removed.

Maj. Stephen McGrath, 44, took over the agency in February. He succeeded Col. Michael Chalek, 47, who retired after a 27-year career. For the past three years, McGrath had served as Chalek's second-in-command.

At a City Council hearing in April, McGrath told officials that he wanted the contract so that he could provide the agency with some stability.

"I've seen eight police chiefs in my 20 years in the department," said McGrath. "Simple math tells you police chiefs don't stick around. I plan to stick around and help this police department."

## Money talks, chief walks

*Billings buyout ends dispute — or does it?*

A 15-month dispute between Billings, Mont., Police Chief Ron Tussing and City Administrator Kristoff Bauer ended in May when Tussing agreed to a \$160,000 buyout in exchange for his resignation.

Tussing, 57, was named chief in 1998 after having served as superintendent of the Nebraska State Patrol. In April, a police consultant hired by the city to investigate Tussing's job performance and allegations of improper conduct found that he had committed eight instances of misconduct.

Among the orders Tussing was found to have violated was one regarding contact with the state's congressional delegation, according to the report submitted by the consultant, former Los Angeles deputy police chief Lou Reiter. Tussing was also found to have made disparaging remarks about Bauer, which the report said undermined the city administrator's authority.

Others included improperly handling allegations of police misconduct, suppressing citizen complaints, making inappropriate comments about the direction of the city's government, giving misleading information about Bauer to police staff and contrary information about Billings' 2004 budget planning process, and showing inappropriate conduct during union negotiations.

A separate report by a Billings attorney, Cal Stacey, was also made public in April.

"There is no doubt in my mind that Chief Tussing is a fine police chief and the city of Billings is lucky to have him," Stacey wrote. "On the other hand, the public criticism of City Administrator Bauer is not fair. There is no doubt in my mind that [Bauer] is motivated by doing what is best in the interest of the city of Billings."

There was not enough evidence to fire Tussing, Stacey concluded, but said both Tussing and Bauer "have used poor judgment in the past."

Tussing and Bauer had fought for a year before the chief was suspended with



**Former Billings police chief Ron Tussing (above right) announces his candidacy for mayor on June 8. At right, his successor, Chief Jerry Archer.**

pay in February.

Under the contract buyout, Tussing is to receive \$160,000 and agrees to not apply for a job with the city, the police department or any other entity that employs Bauer or Assistant City Administrator Tina Volek.

Within weeks, Tussing tested the scope of that agreement with his June 8 announcement of a bid to become mayor of Billings. City officials promptly protested that his candidacy violated the "no-employment" provision of the buyout agreement.

Tussing said that he would fight the city administration if it tries to bar his candidacy.

Deputy Chief Jerry Archer, a Billings native who joined the police department in 1973, was named police chief on May 25. Archer said he hoped to lead the department with an open-door policy, and "build the trust with the community again."

Acknowledging the challenges that lie ahead for himself and his top command



staff, Archer said he wanted to make sure "we're all moving forward as a group and have the same view of where we're headed."

"We need to take a deep breath," the new chief said.



# PEOPLE & PLACES

Council president **Aram Garabedian**, however, argued that such an agreement could impinge on the "management rights" of a mayor to appoint his or her own executive staff.

"It would raise the issue of whether the contract could supersede the charter," he told *The Providence Journal*. "We could end up in litigation and with a big problem."

At press time, the council's Finance Committee had yet to act on the contract.

## Second time is the charm

Missouri Valley, Iowa, City Council members believe they have it right this time with the appointment of **Edward Murray**, the second person to be named police chief there in June.

The town had been without a chief for 16 months, after **Jason Smith** left in August 2004. The department was run on an interim basis until, following a nine-month search, officials unanimously selected **David Howley**, 45, a retired New York City police lieutenant and former chief of Edison, N.J., who said he looked forward to the job.

But, much to the frustration and embarrassment of local officials, Howley left just days after assuming command.

According to *The Omaha Channel*, KETV News, Howley was concerned that he did not have control of the force. Some in the town reportedly blamed Smith.

Mayor **Doris Stillwell** had decided against reappointing Smith in January 2004. Smith resigned, but with no one to serve in the interim, he stayed on without appointment for seven more months. Now chief of the Carter Lake Police Department, Smith said he had no reason to interfere in Missouri Valley's police affairs.

"The police officers are my friends," he told *The Omaha Channel*. "I've worked with these guys for years and years."

Stillwell said that the 37-year-old Murray was the applicant the council was meant to appoint at its May 17 meeting. That very morning, however, Stillwell contacted Howley; he was appointed instead.

Murray's career began in Monona County, Iowa, where he spent 12 years. He served for three years as chief of the Onawa Police Department, but has been out of law enforcement since 2000.

## Back to the front

Two years after joining the senior management staff of the Police Executive Research Forum, former Lakeland, Fla., police chief **Clifford Diamond** has returned to the front lines of law enforcement.

Diamond, 50, was chosen in April to lead the El Cajon, Calif., force. He was selected by City Manager **Kathy Henry** out of a pool of 30 applicants, including some insiders.

A 31-year veteran, Diamond began his career in Scottsdale, Ariz., where he rose to the rank of deputy chief. He retired from Scottsdale in 2001 to take the Lakeland job.

In 2003, Diamond joined PERF, which he called the nation's "premier law enforcement think tank," saying he felt he would be able to influence American policing in a way it

was not possible to do as chief of a single department.

In El Cajon, Diamond took over in May from interim chief **Bill McClurg**. **Jack Davis**, who served with the agency for 30 years, left in December after four years in the top job. Diamond is the first chief to be chosen from outside the department since 1989.

Diamond is known as the type of leader who considers what effects his decisions will have on the ranks. He does not intend to turn "the world upside down," he told *The San Diego Union-Tribune*. "I don't want to make changes for the sake of change."

His first goal is to introduce himself to his officers and his community, he said.

**Jack Gillen**, a spokesman for the Lakeland Police Department who worked under Diamond, said the chief did not make drastic changes when he came out there.

"He's a really smart and analytical guy," said Gillen.

Diamond graduated from Northern Arizona University and also completed law enforcement training programs at Harvard University's John F. Kennedy School of Government and the FBI National Academy.

## Best and brightest

As a municipal police chief and a former executive director of the Police Executive Research Forum, Charlotte-Mecklenburg, N.C.'s **Darrel W. Stephens** has brought about a sea change in the way law enforcement thinks about its job and itself. For his contributions to the profession, PERF honored him recently by presenting him with the group's 2005 national leadership award.

"Darrel has always challenged the status quo in policing," said **Chuck Wexler**, PERF's executive director. "He has been a national leader in advancing innovations in the field and in supporting those willing to try cutting-edge approaches to addressing crime. When police chiefs want advice on what works, they call Darrel."

Stephens was able to see first hand the advantages of problem-oriented policing when, as chief of the Newport News, Va., Police Department during the 1980s, he participated in the first experiment conducted by the Justice Department on the approach.

In 1986, Stephens left the front lines to lead PERF. During his six years there, he was able to promote innovative policing strategies on a national scale, writing about management and leadership issues, law-enforcement technologies and community policing. Stephens also made sure that crucial research made it off the bookshelf and into the hands of practitioners and policymakers.

Said PERF's president, Los Angeles Police Chief **William J. Bratton**: "Darrel Stephens brought about dramatic changes in

how police do their jobs. He has been a leader in community policing and in advancing police practices to ensure that citizens are served with dignity, fairness and with respect for their concerns about crime and disorder."

Stephens began his career in 1968 with the Kansas City, Mo., Police Department. He went on to become chief of Largo, Fla., then Newport News, and in 1992, after leaving PERF, he served successively as police chief and then city administrator of St. Petersburg, Fla.

Along the way, Stephens earned a master's degree in public service administration and graduated from the FBI National Executive Institute. As chief of the Charlotte-Mecklenburg Police Department, Stephens oversaw the merger of city and county law enforcement and now leads a force that is 2,000-members strong.

At its semiannual conference in April, PERF also presented its Gary P. Hayes Award to a deputy chief in the Miami Police Department and to a commander with the Washington, D.C., Metropolitan Police Department.

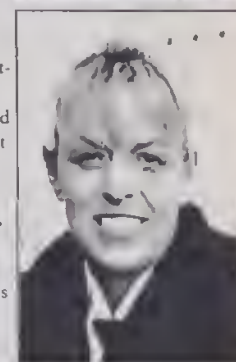
**Frank Fernandez**, a 20-year veteran of the Miami force, oversees the agency's 800 patrol officers in addition to its specialized operations, community relations and communications units. He is credited with developing an officer tracking system that has helped the department reduce overtime through better management, and with cutting crime by a successful restructuring of the agency's Compstat program.

Fernandez was also praised by PERF for a community-policing approach during his time as commander of the Coral Way neighborhood that brought criminal activity down to record low levels.

Washington Commander **Cathy Lanier** is

the first woman to head the department's Special Operations Division (SOD). Shortly after being named to head the division in 2002, she created within it the Office of Domestic Security unit, which ensures that the department will be able to respond to any terrorist incident.

As part of her command, Lanier also coordinates security efforts between the MPD and numerous federal agencies. The division handles thousands of protests and presidential, vice presidential and other dignitary movements in Washington each year. "Both Fernandez and Lanier represent how some of the most innovative thinkers are meeting the challenges of today's policing," said Bratton. "Both recipients have had to realign police resources to deal with homeland security issues, use of force, mass demonstrations and effective crime fighting strategies."



**Frank Fernandez (top);**  
**Cathy Lanier**

## TIME CAPSULES

*Events in criminal justice from 25 years ago — July 1980 — as reported in Law Enforcement News.*

◆ Amid rising nationwide concern about police use of force, the Los Angeles Police Department begins arming its officers with the PR-24 side-handle baton. Officials see the weapon as offering the potential for more humane and more effective handling of violent suspects.

◆ John Jay College of Criminal Justice gets final approval for a plan to create a Ph.D. program in criminal justice. With more than a year to go before its scheduled launch date of fall 1981, the doctoral program already has more than 300 applications for its first 20 slots.

◆ Hoping to clean up crime at public housing projects, Washington, D.C., officials announce plans to evict families if one member commits a crime within the housing complex. The D.C. housing administrator estimates that the policy could affect 350 to 600 of the city's 12,000 public housing families each year.

◆ After five patrol cars spontaneously burst into flames, the New Orleans Police Department grounds its fleet of 110 Ford LTD cruisers. Police officials initially believe that the fires originated in

the vehicles' air conditioning systems, and they order officers to turn off the climate controls, despite the 90-degree summertime weather.

◆ The manpower-hungry Atlanta Police Department reaches an agreement with the city of Detroit that allows it to recruit and hire laid-off Motor City officers. Facing a potential \$140 million budget gap, Detroit officials planned to furlough 700 of the city's 3,600 officers by year's end. The Atlanta department, meanwhile, has been operating at roughly 200 officers below authorized strength.

◆ Burton Gutterman, a 4-foot 3-inch aspiring police officer, claims he has been reduced to selling pencils on street corners after being rejected by the Boston Police Department. Gutterman claims he is a victim of height discrimination, but police officials say he failed his medical exam and lied on his application when he said he was a city resident.

◆ A survey released by the National Institute on Drug Abuse says that illicit drug use in the United States has grown "dramatically" in the past 18 years, with two-thirds of the nation's young adults having tried marijuana. One-third of the survey respondents said they had experimented with harder drugs.



# Taking on borders

## On the front lines with the Minuteman Project

By Lois Piant

Don Wooley stands amid a crowd of new Minutemen, giving his orientation spiel to this group of volunteers who will spend eight hours a day in the wilting heat of the U.S.-Mexico border, waiting for illegal immigrants to try to sneak past them. It is mid-April and well into the month-long Minuteman Project, which has people from around the country volunteering to be extra eyes and ears for the U.S. Border Patrol.

Wooley explains the operation: There are two "lines" the Minutemen are manning. One sits directly on the Arizona/Mexico border in the town of Naco. On this line, where the border is marked only by a rusting barbed wire fence, volunteers keep watch over miles of flat terrain. Although they are stationed hundreds of yards apart, they can easily see one another across this vast expanse of desert scrub. They sit in lawn chairs under the broiling sun, peering through binoculars. They can see someone coming for miles.

The second line is called the Mountain Line because it sits several miles from the border and runs along the base of the Huachuca Mountains. A series of canyons feed into this hilly, tree covered area. At night, immigrant traffic sneaks through the canyons and into the U.S. through the culverts that run under State Highway 92. At night, Minutemen crawl up into the bushes and sit silent and motionless, waiting for illegals to creep out of the culverts.

The Minuteman Project runs around the clock. "You pick your shift. You pick your spot," Wooley says. "Show up when you're supposed to. Nobody is going to assign you to anything. Nobody is going to get you out of the rack in the morning. You're respon-



Kerry Morales, a Minuteman Project volunteer from Texas, scans across the Mexican border for migrants.

sible for yourself. Just try to coordinate with your shift supervisor in case he needs help in a particular area."

The project, which is run with a volunteer staff and no official budget, offers nothing in the way of food, communication equipment, or even bathroom facilities. "If there's a problem, figure it out," Wooley says. "You need to have the flexibility to fix problems on your own. If you have questions there won't be anybody but you there to answer it. Plug the leak. Fix the problem. Do the job."

He then gives them the Minuteman Project's policy of engagement — don't

"No contact. No contact. No contact," Wooley says repeatedly. "No food, no water, no broken bone setting, no emergency aid, no nothing except call the Border Patrol and let them handle it."

And since it's legal in Arizona to openly carry a weapon, he adds, "If there is any kind of a stressful situation, you don't touch your gun. If you've got one on your hip, you don't want to look at [an illegal] with your hand on your gun or even resting there. Just forget you have the gun. Do not have any gunplay whatsoever. Don't get involved with any show-and-tell. Don't take it out of the

holster. Don't even touch it."

This group of volunteers is a bit nonplussed when Wooley gets to the weapons part of his speech. They are mostly retirees, dressed in their tourist garb of hats, sandals, gobs of sunscreen, with their binoculars, lawn chairs and ice chests at the ready. For the most part, these are their weapons of choice.

Some are here for the weekend. Others have driven their RVs and plan a long stay. Some will camp on the lines. Others will find space in area motels or at the local Bible college, which offers RV hookups and rooms for \$5 a night.

The picture of this group, toddling off to their vehicles after the orientation concludes, is nothing like the one the media has painted. They have been called white supremacists, racists, skinheads, vigilantes. In fact, they are none of these things. Mostly, they are people who believe that closing the border is the first step in overhauling an immigration system that appears to be irretrievably broken.

¶ Dana Arbeit is a retired paramedic from California.

¶ Les Hill, 78, is a World War II veteran.

¶ Earl Schweitzer is a retired tree trimmer from Anaheim, Calif.

¶ James Wade is a full-time college student and an aircraft mechanic from Mesa, Ariz.

¶ Bruce Hill has a window cleaning business in Santa Ana, Calif.

¶ Robert "Doc" Kohlbecker, from Houston, is a 65-year-old retired Army medic who spent the previous month in Afghanistan.

¶ Phillip Aye, from Osage City, Kan., is a disabled paratrooper who left the military after he was seriously injured in a training jump. Aye's chute didn't open and he plummeted straight to the ground, breaking his back in nine places and shattering his pelvis and leg.

¶ Terry and Arnie Chandler, a retired banker and paralegal, respectively, come from Temecula, Calif. They work the night shift on the Mountain Line because it's more exciting than sitting in a lawn chair out in Naco.

¶ Dale Butcher, a 44-year-old pharmaceutical sales rep from Texas, also works the Mountain Line night shift. He has created a trip wire rigged with empty beer cans to alert him of illegal crossings.

¶ Mitch Geiger, an auto mechanic from Mesa, is one of the youngest volunteers. He jokes that most of the volunteers have to be past 60 and carrying an AARP card before they're allowed out on the line. Geiger, who also left the military due to a disability, will spend several weeks with the Minutemen; he's off work and awaiting surgery for an injury sustained in what he calls the "redneck Olympics." His particular event entailed riding in a wooden bucket while being dragged across the desert behind a speeding vehicle.

There are few volunteers who will admit harboring any animosity toward illegal immigrants. "They want jobs. They want a better life," says Aye. "Who can blame them?" Most of the volunteers don't even have an issue with immigration in general. It's the "illegal" part that really gets them going. They direct their anger at Congress and President Bush, whom they accuse of ignoring the problem. They call themselves ob-

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## To some New Hampshire cops, if you're in the U.S. illegally, you're trespassing,

A fifth undocumented alien was charged last month with violating a state criminal trespass law in the town of Hudson, N.H., one of two jurisdictions in the state where the unorthodox approach to handling illegal immigrants has garnered national attention.

The first to use the tactic was New Ipswich Police Chief W. Garrett Chamberlain. On April 15, his officers arrested Jorge Mora Ramirez, 21, whose car had broken down while he was driving through the town. Ramirez told police that he was in the U.S. illegally and worked for a construction company. Federal authorities declined to take custody of Ramirez, so Chamberlain had him charged with criminal trespass.

Less than a month later in Hudson, Chief Richard Gendron began using the strategy to arrest anyone police encountered during their daily rounds who could not prove legal residence in this country. In April, May and June, Hudson police arrested Sergio Ruiz-Robles, 21, Marganto Jaramillo Escobar, 23; Luz De Amonm, 42; and Bernarda Gallego, 32. All were charged with criminal trespass.

Gendron and Chamberlain have defended their actions as being vital to national security.

"First of all, ICE (the federal Immigrant and Customs Enforcement agency) refused to take custody," Chamberlain told The Manchester Union Leader. "I believe I have

found a method we can use at the state level. Mr. Ramirez entered the United States illegally. He was not licensed or privileged to be here."

Under New Hampshire law, anyone who knowingly enters or remains in a place where he or she is not "licensed or privileged" to be is guilty of trespass.

Ruiz-Robles and Jaramillo-Escobar have pleaded not guilty. If a motion to dismiss the charge filed by their attorney is not granted, they will face trial in Nashua District Court on July 22. Ramirez at first pleaded guilty in Jaffrey-Peterborough District Court, but withdrew that plea and has also entered one of innocent.

Despite the uncertainty of whether trespassing charges will be upheld by the courts, Hudson police will continue to arrest illegal aliens, said Capt. Ray Mello, who is prosecuting the case.

"We're sworn to protect the law of the United States and the state of New Hampshire," he told The Union Leader. "We're just taking action on a local level."

State Assistant Attorney Robert Carey called the tactic a "novel theory," and said his office was not aware of "any sort of contrary authority to it...."

In February, 20 members of New Hampshire's House of Representatives formed the Immigration Caucus, which

plans to present a package of legislation that would codify use of the criminal trespass law, as well as make it illegal to knowingly hire someone who lacks legal residency status. Representative David Buhlman (R-Hudson) said the caucus will also introduce a resolution to Congress calling for federal lawmakers to "get the (illegal) immigrant situation under control."

New Mexico Gov. Bill Richardson has criticized the arrests, as have some New Hampshire chiefs.

"You can't have police chiefs do this job indiscriminately around the country," Richardson said at a news conference at Southern New Hampshire University last month. "This should be done by federal law enforcement. This should not be done by local police chiefs."

The fact that it is being done on the local level, Richardson added, indicates that the federal government's immigration policies are not working.

Nashua Deputy Chief Don Conley told The Associated Press that he had no intention of following Chamberlain's lead.

"I don't think it's in the true spirit of the trespass (law) to target people (in the country) illegally," he said. "I commend the chief for being creative, but you need the strong support of the federal government if you're going to make a difference."





Members of a group of illegal immigrants, intercepted and turned over to the Border Patrol on May 23 by volunteers from the Minuteman Project.

## On the front lines with the Minutemen

Continued from Page 8

servers who are "doing the job Congress won't do." They believe they are defending the U.S. border.

Law enforcement doesn't exactly see it that way. The U.S. Border Patrol has distanced itself from the Minuteman Project, saying it does not condone or encourage its work. In fact, the project's organizers and volunteers seem to be at perpetual loggerheads with the Border Patrol. When the Minutemen claim they worked closely with the Border Patrol to identify the volunteers' observation points, the Border Patrol denies it. When Minutemen organizer Chris Simcox claims the Border Patrol is "glad we're here," the Border Patrol denies it. When the Border Patrol claims Minutemen volunteers trigger hidden electronic sensors, the Minutemen deny it. When the Minutemen say they have successfully cut down the number of apprehensions, the Border Patrol denies it.

Apprehensions are down, admits Jose Garza, a public information officer from the Border Patrol's Tucson Sector. They have been reduced from 33,832 in April of last year to 14,401 during the same period in 2005, the time the Minuteman Project was in place. "But there are a lot of factors you need to look at," Garza says. "Especially the Arizona Border Patrol Initiative, which brought 70 trained agents to the Naco station alone." Garza also cites the addition of helicopters providing air support, as well as extra cameras, sensors and night vision equipment as deterrents.

The Minutemen planned to cover at least 20 miles of the border, but only were able to put volunteers on two to three miles. Garza concedes that crossings in those areas were almost nil, but attributes it to the overwhelming amount of media attention garnered by the Minutemen, along with the fact that the Mexican military massed on the southern side of the border to protect its citizens from what it feared would be violence at the hands of the volunteers. Another contributing factor, Garza says, was Grupo Beta, an agency sponsored by the Mexican government that provides aid to potential emigrants, and that allegedly steered people away from the Minuteman locations.

Like Garza, Chief Charles Austin of the Douglas, Ariz., Police Department takes a more measured view of Minuteman Project

and its success. His department sits directly on the border, across from Agua Prieta, Mexico, and 15 miles east of Naco. "How are you going to gauge if you are making a difference?" Austin observed. "You have no way of knowing how many of those would have been interdicted anyway. There are simply too many factors involved to pick one out and say that was the one that made the number of apprehensions go down."

Despite getting the official brush-off from law enforcement, Minuteman organizers and volunteers are unflagging in their support of law enforcement in general, and in particular the local Border Patrol agents and deputies with the Cochise County Sheriff's Department. They give high praise to both agents and deputies for their professionalism and their courtesy toward the volunteers. Yet the consensus among local law enforcement agencies is that, while they appreciate the volunteer spirit of the Minuteman Project and liken it to a neighborhood watch, they really wish the Minutemen would leave the policing to the professionals. The Sierra Vista Police Department has a successful volunteer program, but one that limits the volunteers' exposure and duties. Deputy Chief Ken Kummel said SVPD volunteers do vacation house checks, monitor neighborhood traffic and handicapped parking, and do some traffic control and motorist assistance. "We have them doing only non-confrontational duties. They are unarmed and in a car that has a 'volunteer' sign on the side," Kummel said. "They've also been through the citizens' academy, and we've done background checks on them."

It is the background checks, or the lack of them, that many believe is one of the biggest problems with Minutemen. "Our concern from the beginning was that people from all over the U.S. would be coming to patrol our border and they are not being trained for this, especially for nighttime operations," said Garza. "If our agents respond and have an encounter with them and they're armed, we know how our agents are going to respond because they're trained. But we don't know how the Minutemen are going to respond. That makes the likelihood of a catastrophe very possible."

The Minuteman Project has also cost area agencies money and resources. The Sierra Vista and Douglas police departments, for

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## Struggling with border control nationwide

Fighting among federal agencies and the failure by the Bush administration to provide sufficient funds for the expansion of immigration enforcement programs is undermining the nation's efforts to protect the U.S.-Mexico border, according to testimony at two recent Congressional hearings.

Both Republicans and Democrats took issue in March with a proposal in President Bush's 2006 budget request to hire just 210 new Border Patrol agents of the thousands that were called for in the intelligence overhaul legislation signed in December.

The Intelligence Reform and Terrorism Prevention Act authorized 2,000 new agents in each of the next five years. Of those, 90 percent were to be assigned to the country's 1,940-mile border with Mexico.

"The southern border is literally under siege and there is a real possibility that terrorists, particularly al-Qaeda forces, could exploit this series of holes in our law-enforcement system," said Representative Solomon P. Ortiz (D.-Texas), who testified in March before the House Judiciary subcommittee on immigration, border security and claims. "Until we have the resources we need...to accurately screen these immigrants, they are going to continue to enter the country," he said.

Representative John Hostetler (R.-Ind.) said he was "very disappointed" by the small number of agents that would be hired in comparison to the number authorized by Congress. In order to thwart "the unwavering will of terrorists to exploit any weakness in our border security," the nation must spend as much as necessary, he said.

At a hearing of a House Homeland Security subcommittee, witnesses testified that turf battles between Customs and Border Protection and Immigration and Customs Enforcement bureaus were preventing the agencies from sharing intelligence. "A wall has been truly erected between the people at CBP and the people at ICE," said Michael Cutler, a former senior special agent with the Immigration and Naturalization Service.

The INS was dismantled in 2001 and reconfigured into two agencies, CBP and ICE. Both are units of the Department of Homeland Security.

In April, Bush ordered a review of guidelines in the intelligence reform bill that would make it necessary for travelers crossing from the U.S. into Canada or Mexico to show passports. The same would be true for anyone entering the country from Bermuda, the Caribbean and Panama.

Under existing rules, Americans need to show a government-issued photo ID, such as a driver's license, to cross the border from Canada. The new guidelines would be phased in by 2008.

The ongoing grappling in Washington with border-control issues is being mirrored in numerous states:

**ARIZONA** — Border Patrol agents assigned to the Tucson sector have been the victims of 80 assaults, including nine shootings, since October, according to the patrol's parent agency, the Customs and Border Protection bureau.

Department of Homeland Security officials in March dubbed Arizona the weakest link in the nation's Southwest border. On a visit to Nogales, Naco and Tucson, federal inspectors found cameras and sensors designed to detect undocumented aliens either non-operational or uninstalled.

An additional 534 Border Patrol agents — most of them rookies — will be assigned over the coming year to the state's 370-mile border with Mexico under the Arizona Border Control Initiative, according to federal Homeland Security officials. Launched in 2004, the program is aimed at clamping down on illegal immigration, drug smuggling and potential terrorist infiltration.

**CALIFORNIA** — A proposal by State Assemblyman Ray Haynes (R.-Murrieta) that the state create its own border patrol of 1,500 to 3,000 officers has been rejected by the Assembly Judiciary Committee. Haynes had argued that a 1996 federal law allows states and municipalities to enforce immigration laws. He now hopes to gather enough signatures to place the proposal on a June 2006 referendum ballot.

**NEW MEXICO** — A sting operation in March conducted by 30 state police officers and 25 Border Patrol agents netted 288 suspected illegal immigrants. The operation focused on traffic checkpoints between Deming and Lordsburg, according to a Border Patrol spokesman.

**VERMONT** — A staffing shortage, not intrusion by federal lawmakers, is behind a drastic reduction in operations at a traffic checkpoint 97 miles from the Canadian border, said Assistant Chief Patrol Agent John Pfeifer of the U.S. Border Patrol in May. Senator Patrick Leahy, the ranking Democrat on the Senate Judiciary Committee, said the checkpoint did more to harass law-abiding Vermonters than it did to insure their safety. Since being staffed in 2003, the checkpoint in Hartford, Vt., has arrested 640 people on immigration-related matters.

**WASHINGTON** — Authorities fear that a \$7-billion industry that has grown up around the smuggling of a potent strain of marijuana from Canada to the Pacific Northwest could bring with it a wave of drug-related violence reminiscent of South Florida. Four Royal Canadian Mounted Police constables were shot to death in Alberta in March while investigating a marijuana-growing operation. B.C. Bud marijuana, named for the province of British Columbia where it is grown, sells wholesale for about \$3,000 a pound. Canadian investigators estimate that as much as 50 percent of the 3.7 million pounds of B.C. Bud grown each year is smuggled into the U.S. at border points from Washington to Michigan.



# Tacoma pushes family justice initiative

Tacoma officials are determined to make good on a promise, tendered in the wake of the murder-suicide in 2003 of the city's police chief and his wife, that victims of domestic violence would have a convenient, one-stop facility for services.

Called the Family Justice Center, the project is a joint effort by the city of Tacoma and Pierce County. Once an agreement is signed to formalize the partnership between the two jurisdictions, a five-member board of directors will be impaneled, including two elected officials from Tacoma and two from the county; the fifth member will be jointly selected.

If all goes as planned, the center will open in the fall.

Officials patterned their center on the

acclaimed San Diego Family Justice Center. It will provide a central location where victims and their children can meet with prosecutors, police and social service providers. Other partners in the center will include civil legal advocates and representatives from faith-based programs. Translation services will be provided, as well.

"It will be a combination of the social and community services, along with judicial and law enforcement services," Tacoma City Councilman Rick Talbert told Law Enforcement News. "The idea is that a victim will be able to go to one place and, in a sense, get all the services that they are interested in."

Talbert said the victim is often not interested in law enforcement or judicial services. She might just want to be in a safe house, or in a hotel for a few nights. Community services can help with that, he said.

"We've taken it one step further [than San Diego] and combined both the city and county agencies," said Talbert.

Supporters were able in December to pull together \$667,000 of the projected \$745,000 needed to start and operate the center its first year. A sales tax increase that would have helped fund it was rejected by Pierce County voters in November 2003. The county also lost out on a piece of the \$20 million in federal grant money dedicated to building centers around the country in fiscal year 2004.

Twelve communities were awarded those funds. Among those jurisdictions that already have active centers are Hennepin

County, Minn., and Indianapolis. In Nampa, Idaho, a groundbreaking ceremony was held in May.

Pierce County pledged three domestic violence investigators and a sergeant to staff the center as part of its settlement of the wrongful-death lawsuit filed by the family of Crystal Brame. Brame was shot to death by her husband, Tacoma Police Chief David Brame, in a local parking lot in April 2003. Brame then killed himself as the couple's children looked on.

The incident was the inspiration for the center, said officials.

"We made a promise to our community after the Brame shooting that we were going to do something to better that system, the domestic violence system," Councilwoman Connie Ladenburg told The Tacoma News

Tribune. "This fits that."

Talbert said the community chose to use the tragedy as an opportunity for increasing awareness of domestic violence.

"To make sure that [Crystal's] death wasn't forgotten," he said.

In March and April of this year, two women, one from Pierce County and the other from neighboring Thurston County, were murdered by their partners.

Katy Hall, 42, was found dead on March 28 in her Lakewood home in Pierce County. Peter Van Hoosier told LENO. "We really haven't had reason to discuss it up to this point."

Brenda Engh, 31, was shot to death as she held her infant daughter in the front yard of her home in Yelm on April 12. Her estranged husband, Timothy Engh, has been charged with her murder.

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## 10-codes' days appear numbered

Continued from Page 1

meant 'dead body,' said Cade. "This is the kind of craziness we have to get past in order to do this right."

Technology is only a small part of the issue when discussing the challenge of achieving radio interoperability, said Cohen. The larger issue is operational.

"Certainly one of the big issues associated with how you effectively deploy an interoperability capability is management of the language," said Cohen. "It has to do with what language you speak."

Cathy Mathis, director of the Bedford County, Tenn., 911 Communications Center, is planning to switch over to plain-speak by the end of the summer.

Mathis told LENO that dispatchers already speak in plain talk to EMS. Police and fire will follow suit, she said.

"As it is right now, counties' 10-codes are different for every county. You could have a major catastrophe, or you think you do, and you come over here and it's really nothing," said Mathis.

Not every jurisdiction has made as much progress as Bedford County, however. In Iowa, for example, Lt. Arnie Porath of the Ankeny Police Department's Special Services Division told LENO that the Des Moines

metro area stopped using 10-codes several months ago, but Buena Vista County has not.

"We haven't stopped using them; we use them on a limited basis like we have for the last number of years," dispatch director Peter Van Hoosier told LENO. "We really haven't had reason to discuss it up to this point."

Getting everyone to comply will happen incrementally, said Cade. Localities will develop their own plans and evolve them into county plans, and from there to regional and state plans. These will be the building blocks of NIMS, he said.

Cohen said he is not surprised by the unevenness among jurisdictions.

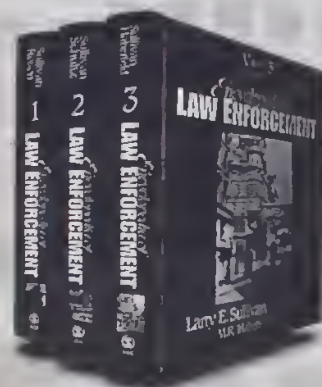
"That's one of the issues we're finding in implementing all these national standards as they relate to homeland security; there's no national standard.... I think everyone is recognizing that very often, whether it's just within routine law enforcement or during an emergency or catastrophic event, law enforcement is going to have to be able to communicate effectively with other police departments and other public safety entities," he said. "If they are not all speaking or using a common language, it could have some very detrimental effects operationally."

## Could you 10-9 that last message?

10-codes used by police vary widely from one agency to another. Following is a sampling of 10-codes used by the Association of Public Safety Communication Officials, the New York City Police Department, the California Highway Patrol and the Tucson, Ariz., Police Department.

Code	APCO	NYPD	CHP	TPD
10-4	Message Rec'd.	Acknowledge	Msg. Rec'd.	OK
10-9	Repeat	—	Repeat	Repeat
10-10	Fight in Progress	Possible Crime	Off-Duty	Out-of-Service
10-11	Animal Problem	Alarm	ID Mobile Frequency	—
10-13	Report Conditions	Assist Officer	Advise Road/Weather Cond.	Call In Resume
10-14	Prowler Report	License Chk.	Provide Escort	Convoy/Escort
10-20	Advise Location	Occupied/Suspicious	Location Requested	Advise Location
10-31	Crime in Progress	Robbery (Old)	Attempted Suicide	Family Fight
10-50	Traffic Accident	Burglary In Progr.	—	Auto Accident - Property Damage
		Disorderly Person/Group/Noise		Check for Rising Water
10-62	Reply to Msg.	Out of Service (Mechanical)	—	—
10-66	Cancel Msg.	Unusual Incident	Defective Traffic Signals	—
10-81	Breathalyzer Report	—	Accident, Minor Injury	Stop for Interrogation

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## SHORT TAKES

### Hair apparent

Hair samples, rather than urine specimens, will be collected by the New York City Police Department under a new system of drug testing set to begin in August.

Radio immunoassay of hair, as the process is called, is considered a more effective method of determining whether an officer has been using cocaine, heroin, Ecstasy, marijuana or PCP. It can detect drugs in the body up for up to three times as long as a urinalysis — 90 days as compared to 30 days.

All 35,000 officers will be subject to the test, according to a departmental memo cited by The New York Post.

Since 1996, only probationary officers have been required to submit to hair analysis.

NYPD officials in May dismissed concerns that second-hand exposure to crack or marijuana smoke could lead to positive test results.

The officers to be tested will be selected by computer. In the case of officers who are bald, hair will be taken from other parts of the body. Three strands of hair, taken from as close to the scalp or skin as possible, will be placed in an envelope, sealed and initialed by both the collector and the subject officer.

### Shock therapy

California lawmakers in May dropped a bill that would have banned the purchase of stun guns by civilians and required the state to pay for and conduct tests on the weapon's safety.

The sponsor of the proposed California ban, Assemblyman Mark Leno (D.-San Francisco), said he was disappointed that fellow lawmakers rejected his bill's two main objectives. Members of the Assembly Appropriations Committee amended his bill, AB1237, so that a proposed study of the Taser's health effects could only be paid for with private funding.

The committee also changed a provision that would have required law enforcement agencies to file detailed reports on all Taser firings in the state. Instead, police would submit to

the Justice Department a multiple-choice type questionnaire.

"This is a dangerous weapon to have on the streets of California, and there will be a day in the state's future where they will be banned," Leno told The Sacramento Bee.

Shares of Taser International Inc. dropped from a high in December of \$32.59 to \$12.83 in May amid concerns about the weapons' safety. Each year, roughly 1,000 Tasers are sold to California civilians, according to the Scottsdale, Ariz.-based firm.

The findings of an independent pilot study of the Taser's effect on 24 human volunteers were scheduled to be presented in May at the Society of Academic Emergency Medicine in New York City. According to an abstract of the study published in a supplemental edition of the society's journal, physicians found no "significant heart dysrhythmias" immediately after the volunteers were shocked.

Taser International's medical director, Dr. Robert Stratbucker, was removed in May as an adviser to a federally-funded study to be conducted by an independent researcher at the University of Wisconsin-Madison. Stratbucker, a Nebraska physician, rejected concerns about a potential conflict of interest. Researchers will feed pigs cocaine and shock them to see if the stun gun is capable of electrocuting the animals' hearts.

### Going like gangbusters

Federal legislation that would make some gang-related crimes punishable by mandatory sentences of at least 10 years is being opposed by civil libertarians who contend the bill would overwhelm adult prisons with youthful offenders.

The so-called "Gangbusters Bill" was introduced by Representative Randy Forbes (R.-Va.). Its goal is to stop the spread of ultra-violent gangs like the Mara Salvatrucha.

"These aren't petty hoodlums," Forbes told The Associated Press. "They're cutting people's heads off, doing countersurveillance on police... They're trained in a type of violence we've not seen heretofore."

Victims of the Mara Salvatrucha, or MS-13, have had their fingers chopped off with machetes. Central American

gangs affiliated with it are thought to have been behind the beheadings of young women.

Forbes' bill would authorize — but not appropriate — \$250 million over a five-year period for sites designated as "high-intensity gang areas." The money would be used to create teams of federal, state and local officers.

An additional \$137 million would be authorized for additional federal prosecutors, technology and training.

Opponents of the Gangbuster Bill are concerned, however, about provisions that allow federal prosecutors to transfer 16- and 17-year-olds to adult court without judicial review for mandatory sentences regardless of the circumstances.

Representative Marty Meehan (D.-Mass.), a former prosecutor, told The Lowell Sun, "By trying more juveniles as adults and establishing more mandatory minimum sentences, this bill guarantees that more juvenile offenders will become hardened criminals in prison."

### Compstat Jr.

A new university-based crime-mapping center will provide small and rural police agencies in Fayette County, Pa., with the same type of reports that Compstat provides for larger cities.

The center, which opened in April, was developed by a geography professor at California University of Pennsylvania, Tom Mueller, with a \$208,000 federal grant. Student volunteers collect information on reported crimes from local agencies and store it in a database. The data are then used to create either weekly or monthly reports for the departments at no cost.

"What it does is help you see trends as far as where certain crimes are occurring and when they're occurring," Police Chief Steven Cooper of Connellsville City told The Tribune-Review of Greensburg.

He said it has also helped his agency to better deal with gas drive-off crimes. "It's helped us figure out where and when it's most likely to happen," said Cooper. "It's given us something to work with."

## Crime databases take on new dimensions in Baltimore & New York

Law enforcement and other branches of the criminal justice system in Baltimore and New York City will soon be able to access up-to-the minute information on known criminals and suspects, as well as sentencing records and conviction rates, from newly created databases.

Baltimore's Cistat system already allows police and civilians to look up local crime statistics on line. But in May, the department and city officials unveiled a new program that will give officers, and eventually others, a chance to view the back end of the city's criminal justice system.

All of the information contained in the database developed by Greenbelt-based Judicial Dialog Systems is a matter of public record. What the program does is allow users to easily access Maryland's Judicial Information System and sort data by crime, neighborhood, and even by judge. Officers can find their own conviction rates, and those of circuit-level prosecutors and defense attorneys going back to 1998.

If they wish, users can find out what the average sentence was for the 1,102 felony drug convictions in the first three months of 2005 (one year and 203 days); the nine rape convictions (six years); and the 14 homicide convictions (13 years and 52 days).

The data is important if police performance in court is to be honestly assessed, said Kristen Mahoney, the police department's chief of technical services. A judge's

tendency to hand down light sentences, or a prosecutor's win-loss record, could be factors in an officer's conviction rate.

Developers patterned the database after a similar one posted by the St. Louis prosecutors' office on its Web site. Residents can sort by neighborhood, judge, prosecutor or defense attorney to find the outcome of crime in a given area.

"This is a huge change," Mahoney told The Baltimore Sun. "Until now, no one here had any awareness of the back end of our arrest product."

In New York City, the \$12-million DataShare system will store all information on offenders in a central data bank. The program was unveiled by Mayor Michael Bloomberg in May and is considered the largest effort of its kind in the nation.

Information from the NYPD, the city's five prosecutors' offices, the courts and a dozen other agencies will be sent to a hub at the city's 311 non-emergency call center beginning this fall, according to a report in The New York Post.

The system will allow police commanders to know, at the click of a mouse, when a violent offender is being released back into their precinct.

"DataShare will, in short, get much more of the right information to the right people at the right time," said Mayor Michael Bloomberg. "We think the result will be a quicker arrest and a safer city."

## RI ROCK ISLAND ILLINOIS

### CITY OF ROCK ISLAND CHIEF OF POLICE

The City of Rock Island is recruiting for an experienced Chief of Police to supervise and manage the Police Department.

Rock Island has a population of 39,684 residents and is located in western Illinois along the Mississippi River. Rock Island, Moline, and East Moline in Illinois and Davenport and Bettendorf, Iowa make up the metro area called the "Quad Cities" with a population of 350,861.

The Rock Island Police Department has a history of providing excellent police services to citizens and enjoys broad community support. The department has 112 full-time employees which consists of 84 officers and 28 civilian employees. Police operations are separated into four major areas: administration, patrol, major crime and technical services. The Police Department is also responsible for the telecommunications center which dispatches all public safety calls.

This is highly responsible professional, administrative and management work in planning, organizing, and directing all activities of the Rock Island Police Department. Work involves responsibility for the planning, organizing, and directing the efficient operation of the department including the establishment of all policies, procedures, and regulations. Supervision is exercised directly or through subordinates over all employees in the department. Work is performed under the direction of the City Manager.

The ideal candidate will possess strong leadership skills and be effective in maintaining community involvement and support. Strong communication, organizational, and management skills are also required.

The candidate requires graduation from a four-year college or university with major course work in law enforcement and thorough experience in various aspects of police operations as a police officer and a command officer. Experience and success with community-oriented policing is important.

Rock Island has enjoyed a stable administration. The current chief is retiring and the City Manager has held the position for 18 years.

The salary range is \$56,512 - \$87,666. The City offers an excellent fringe benefit package which includes pension, major medical, paid leave, tuition reimbursement, car allowance, health club membership and also contributes 5 percent of salary to ICMA's 457-deferred compensation plan.

Applications (including resumes and cover letters) will be accepted in the Personnel Department, City Hall, 1528 3<sup>rd</sup> Avenue, Rock Island, IL 61201 through July 15, 2005. To request an application by mail, call (309) 732-2050 or visit our website [www.ngov.org](http://www.ngov.org). A City application must be completed to be considered for the position. Applicant confidentiality will be protected through the recruitment process.



*Psych job:*

## When psychology crosses paths with law

### Handbook of Forensic Psychology: Resources for Mental Health and Legal Professionals

William O'Donohue and Eric Levensky, eds.  
Burlington, Mass.: Elsevier Academic Press, 2004.  
1,064 pp., \$149.95.

By Charles Bahn

At the outset, allow me to declare my bias. Since one of the authors in the "Handbook of Forensic Psychology," edited by William O'Donohue and Eric Levensky, cited a recently published article that I wrote with a colleague, I assume that both the editors and their chosen authors have very sound judgment and great perspicacity.

Having declared this positive bias, I feel free to adopt a more dispassionate, critical stance.

The handbook identifies itself as "a resource for mental health and legal professionals." In its organization, it attempts to serve these disparate goals.

Fittingly, then, the initial chapter is entitled "Psychology and the Law," and it covers patient privilege, involuntary commitment (including a brief review of the range of competency issues, with particular reference to those relating to the insanity defense), expert testimony, and therapist-client sexual relationships. In a bid for topicality, it also includes memory enhancement, and Internet psychology, but even these topics are presented primarily within their legal implications, with a subsection, for example, on the legal liability of therapists.

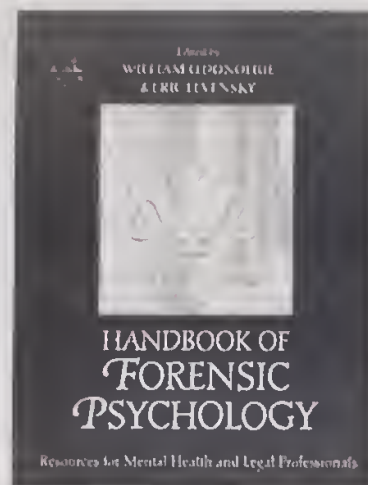
The treatment of these two current issues is appropriately cautious, simply alluding to recent studies and to recent state legislation to define the parameters of legal problem issues in these areas.

The ambitiously titled chapter "An Introduction to Psychology for Attorneys" is something of a mea culpa in its tone of apology based on how psychology as a science is always tentative in presenting "truth." It does not go quite as far as the heuristic classic article by Bruce Ennis and Thomas Latwack in describing psychological testimony in the courtroom as "flipping coins," in light of the constant availability of psychological experts whose testimony will support either the prosecution or defense as required. The author of the short chapter that follows on ethical issues of psychologists briefly summarizes the continuously evolving code of ethics of the American Psychology Association, but discusses at greater length his own views of their inadequacies, then presents a personal moral philosophy.

Chapter 4 on forensic report writing is very much a "how to" discussion, but in covering the legal implications of reports also deals with issues of informed consent.

As should be expected in any series of articles written by diverse individuals, later chapters on more specifically delineated

topics vary in their quality, tone, purpose, breadth of coverage and presentation of current understanding of the topic. Almost all, however, are clearly written, rarely obfuscate, and show positive indications of helpful editorial intervention. Perhaps the most egregious variability is seen in a sub-chapter on jury selection, which, while buttressed by recent research findings, presents the methodology and conceptualization of a single jury selection consultant who co-authored the section. This section reveals that a well versed trial consultant can increase the odds that a particular juror may be selected and, it follows, a particular result may be obtained by "lunng the opposing attorney with counterproductive challenges." It concludes with the assertion that "guesses and assumptions regarding juror favorability are too often completely inaccurate." This may well be true; however, supporting research for this broad negative statement is only alluded to, without any discussion of the research. While there has been recent emphasis in legal and psychological journals on the effective-



iveness of psychological methods in jury selection, including the use of "disinformation and misinformation," an allusion (even in a single sentence) to the ethical questions about these methods could have been included.

The review of "psychological injury," from the commonly accepted "physical injuries leading to psychological damages" to the more controversial "strict psychological damages," is clear and objective. It is also followed by a commendable discussion of professional standards, in which the authors state that it is not simply legal and administrative standards that must be considered,

but vital ethical standards as well. Ethical issues are also cogently included in a well written chapter on "Forensic and Ethical Issues in the Assessment and Treatment of the Suicidal Patient."

The breadth of the handbook is excellent. There is hardly any area in which psychological input may be involved in possible litigation that is omitted. Eyewitness testimony, recovered memories, hypnotically refreshed testimony, polygraph utilization, sexual harassment, child abuse, elder abuse, partner violence and even "extreme influence in the interrogation room" are all covered.

Our hats are off to the editors and authors who did a truly professional job of presenting this material. A search for a possible topic that was not covered yields only the suggestion that perhaps a chapter on the diagnosis and treatment of dyslexia and other learning disabilities could have been included, particularly because recent federal legislation on providing support rights and treatment to the handicapped has made this an area of potentially growing litigation.

This leads to a small but significant caveat. In their preface, the editors begin with the acknowledgment that the primary purpose of the handbook is to provide "mental health practitioners with a source of current practical and empirically based information they can use to guide their work in forensic settings." A second additional purpose is to provide legal professionals with a reference

Continued on Page 15

## Looking beyond the status quo to bring out the best in government operation

### Governing by Network: The New Shape of the Public Sector.

By Stephen Goldsmith and William D. Eggers.  
Washington, D.C.: The Brookings Institution, 2004.  
224 pp., \$18.95.

By Thomas Engells

The enduring concern of government effectiveness and efficiency has prompted both reform and privatization efforts within American government. In this recent book, Goldsmith (a former mayor of Indianapolis) and Eggers (the global director of Deloitte Research) have proposed a true paradigm shift in that dialog. The authors believe that the real issue is neither reform nor privatization, but rather how the public, private and nonprofit sectors can be arranged to deliver the best service or product.

They note that "[W]e appeal here to public innovators: government officials dedicated to squeezing every possible ounce of public value out of available resources. To them we suggest that by governing by network can produce substantial benefits." Their book is divided into two parts. In Part One, chapters 1-3, they explore the "Rise of Governing by Network" and in Part Two, chapters 4-8, they consider "Managing by Network."

The authors skillfully weave together a series of vignettes from current government networks at the local, county, state and fed-



Goldsmith (left); Eggers

eral levels to support their theoretical points. Goldsmith and Eggers are not naive ideologues; rather, they are practical public administrators who believe that the future success of many government activities will depend upon properly constituted networks that are managed well to deliver services to the people.

Because of the breadth of their argument, some of their points are controversial and debatable. In chapter 7, "Building Capacity for Network Governance," their negative assessments of civil service and education/training are far from indisputable. They use these assessments to lay a foundation for

both the reform of the civil service and the redesign of graduate schools of public policy. Yet any argument of this complexity will include facets that are rich for refutation.

While many aspects of American law enforcement will surely remain a government monopoly, other related functions may be more effectively delivered through a networked government protocol, e.g. parking control, building maintenance, supply and accident investigations. This book will prompt many readers to reconsider the value of maintaining the organizational status quo.

The book is arranged so as to support in-depth and careful reading as well as a rapid review. Each of the first seven chapters closes with a one-page summary, referred to as the "Bottom Line," consisting of that chapter's key points, pitfalls, tips and examples. These summaries will be of value to both the serious and casual readers of the book.

Time is a precious commodity for us all. Your time invested in reading this work will be time well spent, for the idea of governing by network is picking up traction at many levels of public administration. Knowledge of this recent work in public productivity and organizational design just better prepares you for the inevitable "next new thing."

Thomas Engells is the Field Operations Commander with the University of Texas at Houston Police Department.

[Charles Bahn is a professor emeritus of psychology at John Jay College of Criminal Justice. His research interests include the social psychology of the legal system, hostage negotiation, and the psychology of terrorism.]



Elkies:

# Summertime, and the pickings are easy

By Lauren A. Elkies

Summertime is crime time on the Upper East Side of New York — at least when it comes to residential burglaries, motorcycle theft and grand larcenies outdoors.

"There is seasonal variation in crime," said Robert McCne, a professor of security management in the Department of Law, Police Science and Criminal Justice Administration at John Jay College of Criminal Justice. "There is more serious crime in the summer time than in the other seasons."

Major crime increases on the Upper East Side in the summer, according to police. During the months of July, August and September last year there were an average of five more major crimes per week in the 19th Precinct, which covers the East Side from 59th to 96th Streets, according to Inspector James Rogers, the precinct's commanding officer. That equals a total of 65 more crimes during those three months than in the first three months of the year.

One particular crime that notoriously multiplies on the Upper East Side come springtime is motorcycle theft. Since April, when the trend commences, there have been 18 bikes stolen, Rogers said. In these cases, the suspects stole the entire bike. In the 17th Precinct, which covers much of the East Side from 30th to 59th Streets, motorcycle theft is also prevalent starting in the spring. "It's a phenomenon in the 17th Precinct," said Deputy Inspector Michael McEnroy, who was the commanding officer of the 17th Precinct for a three-year period that

(Lauren A. Elkies is a crime reporter for The New York Sun. She was formerly city editor with Our Town newspaper in New York, where this article originally appeared.)

*In the summer, the nature of grand larceny shifts. More unattended property is stolen from people in outdoor spaces than indoors.*

ended in March. "Every year it occurs like clockwork." Motorcycle theft is not a problem in McEnroy's new command, the 13th Precinct, which has a catchment area including the East Side and part of the West Side from 14th to 29th Streets.

Although the number of motorcycle thefts also tends to increase in the nice weather on the Upper West Side, this year that has not been the case, said Deputy Inspector James Murtagh, commanding officer of the 20th Precinct, which covers the West Side from 59th to 86th Streets. Indeed, the last larceny of a bike this year was over a month ago, Murtagh said.

A crime that occurs with greater frequency this season on the West Side is a certain type of burglary: residential.

"We've definitely had an increase in burglaries," Murtagh said. "Everyone knows that people go away for the weekends." In the 28-day period between May 23 and June 19, there were 29 burglaries in the 20th Precinct, police said. In contrast, between Jan. 1 and Jan. 30 there were 17.

In the summer, the nature of grand larceny also shifts. More unattended property is stolen from people in outdoor spaces rather than in indoor places. Grand larceny is defined under New York law as the stealing of property that, among other things, is taken from a person, or is a credit card, or is valued at more than \$1,000. Murtagh attributed

the change to the fact that more people are outside. So instead of stealing a woman's bag from inside a restaurant, maybe a suspect snatches it from around a chair at an outdoor café. More people dine in outdoor spaces and hang out in droves in parks, on beaches and by the public pools.

Accompanying the greater number of people on the streets is an increase in the number of noise complaints, Murtagh said. "Because it's nice out, they spend more time out there," the captain said, "but they don't realize it's 3 o'clock in the morning."

Criminologists continue to debate whether the season itself is the cause of an increase in crime rates in the summer.

Craig A. Anderson conducted two studies about temperature and aggression, published in the Journal of Personality and Social Psychology in 1987. He found that crime — violent and nonviolent — was more frequent in the hotter times of the year and in hotter years and temperature had a greater effect on violent than nonviolent crime.

"The general propositions within criminology/victimology are that exposure to risk of victimization depends upon routine activities; routine activities may change with the seasons," according to Andrew Karmen, a sociology professor at John Jay College and author of "New York Murder Mystery: the True Story Behind the Crime Crash of the 1990s" (NYU Press, 2000). "Therefore, in

## Why the Warm-Weather Bad News?

Experts say the seasonal disparity in the crime statistics can be attributed to some of these reasons:

- More people are on the streets.
- The hot weather leads to aggressive and/or irrational behavior and people leaving apartment and vehicle windows open.
- School is out and people go away frequently, leaving their homes unattended.
- There are more daylight hours in the summer.

the warm weather months, people may be away from home more hours per day. That might heighten their risks of being robbed, physically attacked or sexually assaulted by strangers, and might raise the risks of a burglary during the day or while on vacation."

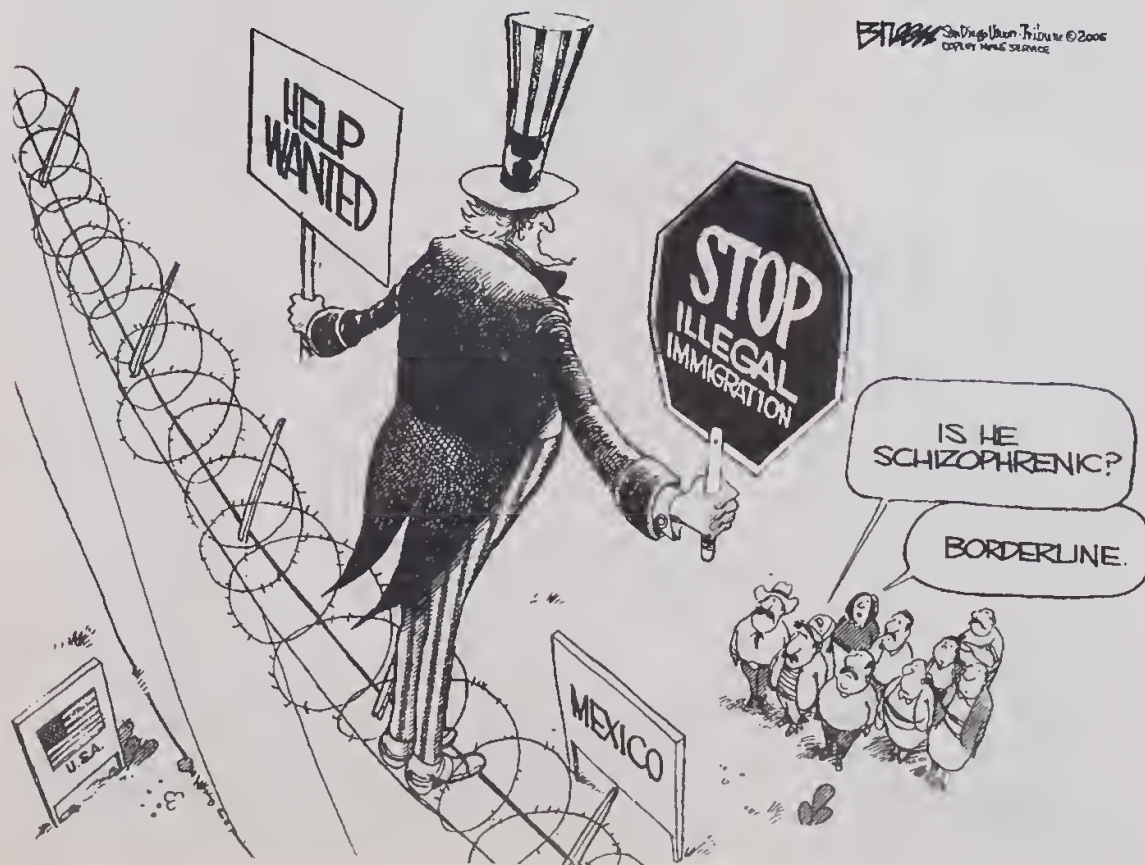
However, Karmen continued, "actual unambiguous empirical evidence supporting these contentions is difficult to find."

Rape, murder, burglary, aggravated assault, arson and grand larceny go up in the summer. Conversely, robbery happens with the greatest frequency in the winter. Recent FBI Uniform Crime Reporting data indicate that the greatest percentage of violent crime occurs in July and August. The number of forcible rapes and aggravated assaults nationwide spiked in July and August each year from 1999 to 2003. Murder did as well, except for 2002, when the most murders occurred in September. Property crimes, including burglary, larceny-theft, motor vehicle theft and arson, showed a rise in July and August from 1999 through 2003, except for 2001, when October had the most cases, the UCR data indicate.

Robbery trends, meanwhile, showed different movement. The specific month with the greatest number of robberies varied from 1999 through 2003, but each year it occurred between October and December.

In Central Park, there are notable seasonal differences, according to Capt. Andrew Capul, the commanding officer of the park precinct. Grand larcenies "increase dramatically because of unattended property," he said. In the warm weather, "you start to see them pop up," the captain said. People are out sunbathing in the park or playing in the ball fields. There have been 20 grand larcenies in the park for the year as of June 19, Capul said. Ten of them occurred in the 28-day period ending June 19. In one case, a couple fell asleep in the park and when they awoke, the woman's purse was gone. In another, a male put his wallet in a shoe he left on the side of the court while he played basketball. Upon his return, he learned his wallet had been stolen.

While experts continue to reflect on the seasonal nature of crime, cops continue to see the increase in crime play out on the streets in the summer. Overall, in the winter, the park, like much of the city and country is more of a haven. "Winter is a quiet time," Capul said. "We don't get a lot of crimes."





# Report dissects Boston pepper-ball death

Continued from Page 1  
weapon is deployed.

"I think it's a bit of a stretch to expect [manufacturers] be able to do that effectively," he said. "You could go from one agency to another that has a different force model and, basically, what you teach in one jurisdiction would be out of policy in another."

Still, he noted, someone has to handle that aspect of training. Beyond the manufacturer, there has to be very specific and detailed instruction that relates to operational and not technical use said. Based on the materials the commission reviewed, Ijames said, it did not appear that Boston had covered operational policy to the degree the commission felt was necessary.

According to the report, officers did not seem to have been given any instruction on how the FN303 should be used in a crowd control situation.

"The FN303 was put on the streets without making sure that those who would authorize its use, and those who would actually use it, fully understood when and how the weapon should be used," the report said.

Moreover, the FN303 seemed to be viewed by the department as non-lethal, and not merely less-than-lethal, according to the report. Those who fired the weapon that

evening on Landsdowne Street did not seem to understand the manufacturer's warning that the gun should not be aimed at the head or neck, and that such impact could cause injury or death.

"The officers... did not appear to appreciate that a person could be seriously injured or killed by the FN303," said the report.

Commission members noted the inconsistency, however, between the manufacturer's claim that the rounds could not cause "perforation of the skin" because they burst on contact and the injuries sustained that night. Two others were shot and injured by projectiles that hit them in the face.

This might have contributed to the misunderstanding of the weapon's power to cause injury, said panelists.

"One of the things I became convinced [of] as we got into this area was that some of the technology outstrips what police departments have done in terms of weaving it into use-of-force and training," Stern told LEN. "Some of the new technology, it's very tempting to think, 'Well, we've done this before, now we have a new device, a new weapon off the shelf.' Of course people know how to point the weapon and pull the trigger, but as you know, it is much more complicated, much more nuanced."

Among the one dozen recommendations made by the panel was the creation of a national standard for certification of less-than-lethal weapons. The report called on the Boston department to press the National Institute of Justice or a similar agency to collect and disseminate information on testing results, safety and effectiveness.

Others suggestions included restricting the use of less-than-lethal weapons to certified officers; developing a use-of-force policy for each less-than-lethal weapon in the department's arsenal; a review of use-of-force policies; and improving training on less-than-lethal weapons to include the use and role of each one.

Even before Snelgrove was shot, Boston had failed to develop an adequate plan for dealing with what was sure to be a rowdy night, according to the report. When the game ended at midnight, the bars surrounding Fenway Park disgorged between 8,000 and 12,000 people, not including all of the university dormitories in the area. In all, a crowd estimated at between 40,000 and 80,000 people spilled out into the streets.

Police on Landsdowne Street were quickly outnumbered by an increasingly agitated crowd. After the first interaction between police and a group of fans atop the "Player's Club," a structure attached to the stadium,

Deputy Superintendent Robert O'Toole, the on-scene operations commander, took an FN303 for himself and gave one each to Officers Rochefort Milien and Samil Silta. The shot that killed Snelgrove was fired by Milien, the only one of the three who was certified to use it.

According to the report, O'Toole should never have been put in charge of both field operations and the Landsdowne Street area. O'Toole was also acting as a line officer, the report said, firing the FN303 at objects and people.

"This tripartite role — operations chief, zone commander, and line officer — created confusion in the field and undermined the chain of command," said the report.

O'Toole was allowed to retire in May with a pension that could exceed \$118,000 annually. Superintendent James Claiborne, whose responsibility it was to prepare the plan for the championship game, is facing disciplinary charges, as are Officers Milien, Silta, and Thomas Gallagher, who was in charge of the equipment truck that contained the FN303s.

The city settled a wrongful-death lawsuit filed by Snelgrove's family for \$5 million — the largest such settlement in Boston history.

Allowing officers to shoot less-than-lethal weapons without certification is completely inappropriate, said Ijames. While some would argue for an exception when the situation is extreme, contemporary thinking "absolutely mandates that in order to carry a weapon into the field, you have to be properly trained and understand when and how to use it," he told LEN.

Ijames was quick to add, however, that he is acutely aware of how differently the event could have turned out had any number of factors been altered ever so slightly.

"It really comes down to the guy behind the weapon — with good intentions — just not putting the round where he wanted it to go," he said. "It's a dynamic event. People were moving, and the decision to shoot comes up. At the end of the day, that might not have been the best decision."

Had the person Milien was aiming at moved right instead of left, "we wouldn't even be talking today," said Ijames.

In the aftermath, Commissioner Kathleen O'Toole, who is not related to Deputy Superintendent O'Toole, has ordered more training for officers on crowd control weapons, and a new database that would track such instruction.

## Probe points to lies

An internal investigation has determined that two officers lied to investigators probing the death of Victoria Snelgrove, the Boston Police Department reported last month.

Superintendent Al Goslin, commander of the Internal Affairs Division, would not identify the officers, but said they are not among the five who are already facing disciplinary action: Superintendent James Claiborne, Deputy Superintendent Robert O'Toole, and three patrolmen under O'Toole's command.

Police sources said to have knowledge of the internal investigation told The Boston Globe that two sergeants, both of whom were close friends of O'Toole, were being investigated "for making statements to officers under their command that could have been interpreted as threats against cooperating" with the department inquiry, The Globe reported.

# From dogs to decrees, PERF takes a new look at use-of-force issues

Police dogs represent a serious use of force, but they are noticeably absent from the force continuums issued by most departments, according to former Charlotte-Mecklenburg, N.C., Chief Dennis Nowicki, one of a number of law enforcement executives and researchers who contributed to "Chief Concerns: Exploring the Challenges of Police Use of Force," a new publication from the Police Executive Research Forum.

In three chapters that cover the broad topics of improving use-of-force policies and training; use-of-force tools; and handling the aftermath of an incident, authors explore issues such as K-9 policies, reducing force through hiring decisions, and the influence of consent decrees on policing.

"I think that the issue of use of force is for many police executives a defining moment in their career," PERF executive director Chuck Wexler said in an interview with Law Enforcement News. "There have been a number of very important and successful lessons we have learned from police chiefs about how to deal with what is arguably a significant issue in any community. We think this book captures those lessons and will be an important contribution to police professionals across the country."

PERF announced in June that it would establish a Center on Force and Accountability as a resource for its members and others in law enforcement. It will serve as a clearinghouse for ideas, strategies and data.

"Chiefs need to know the best approaches to managing use of force and developing systems of accountability, which is why we have created this Center," Wexler said in a prepared statement.

In his commentary on K-9 deployment, Nowicki discusses the current debate within policing circles over "find and bite" and

"find and bark" policies. While "find and bark" is promoted by the International Association of Chiefs of Police, he said, handlers find little difference between the two. A police dog, no matter how it is trained, will bite if provoked by a suspect.

"Whatever policy a department adopts," said Nowicki, "police canine tracking or searching for a wanted subject is a serious use of force and must be properly managed."

In Prince George's County, Md., K-9 Officer Stephanie Mohr was sentenced to 10 years in federal prison in 2001 for releasing her dog on a homeless man while trying to apprehend him. A provision of the county's 2004 consent decree with the Justice Department requires the overhaul of its K-9 unit.

Washington, D.C.'s Metropolitan Police Department recently revised its policy to give greater authority to dog handlers, Nowicki noted. Under the Handler-Controlled Methodology (H-CAM), both trainer and dog are constantly drilled on control and obedience. In the end, the dog is totally under the command of the handler, and the handler assumes responsibility for the dog's action.

"Though there are some limited exceptions, the decision generally rests solely with the handler whether the dog bites the suspect," Nowicki said. Those exceptions include when the handler is under attack, or gunfire.

A commentary by Chief Michael Butler of the Longmont, Colo., Police Department discusses the "ounce of prevention" his agency uses when hiring so as to minimize officers' use of force.

The department has a profile, he wrote, that it uses in recruiting and selecting applicants. To fit the profile, candidates must have no previous history of excessive force,

including involvement in the criminal justice system for brawling, or domestic violence. They have to show that they can "choose appropriate courses of action" in their lives and not need rules and regulations to make them tow the line.

Candidates should be predisposed to working in the community, Butler pointed out, and the department specifically looks for volunteer service. It also looks for those who have a strong tendency to solve problems with their intellect and communication skills. The agency determines this through psychological tests and background checks.

"By modifying the department's hiring and selection process," Butler wrote, "the LPD has seen a considerable drop in use of force by its police officers."

Capt. Ronald Davis of the Oakland, Calif., Police Department penned a commentary in which he notes that consent decrees have become a means through which many of the best practices established in policing in recent years have been disseminated.

The number of agencies that develop policies and procedures based on information limited to their own departments or personal experiences are steadily decreasing, he opined. Consent decrees have required that departments adopt best-practices models, such as Washington, D.C.'s Force Investigation Teams.

"Now these approaches are quickly spreading throughout the field, and police executives and political leaders are increasingly recognizing their value," Davis observed.

The Department of Justice has also funded a technical guide of consent-decree practices, Davis noted, which he said should advance the adoption of best practices at the same time that it is reducing the need for such agreements in the future.



# Citizen patrols keep tabs on illegal migrants

Continued from Page 9

example, had tactical teams on alert, and armed personnel carriers and mobile command posts ready to roll. The Cochise County Sheriff's Department assigned deputies to direct traffic and keep the peace during the project's rallies.

"When you have limited resources, you study the problem you're trying to cope with, and based on your experience, apply those resources," Austin said. "When you have an outside element that is not coordinated with you and is generating a demand for services, now you have to look at 'How many agents am I going to have to put in reserve in order to deal with this additional problem?'"

Another concern, Austin noted, is the project's lack of a platform or clear mission

statement or philosophy. He says he combed the group's website trying to extract such a thing. "What they're saying runs from the benign to the not-so-benign," he said. "You can't extract from that a mission when they among themselves can't fully pull out an agreed upon position. When you have a situation like that, you are simply opening the doors to the fringe elements, who can then come in and use your organization or your momentum to further their own agenda."

The initial intent of the project was, first, to bring media attention to the problem of illegal immigration, the ease with which immigrants enter the U.S., and therefore the need for stepped up border enforcement. Its secondary goal was to create a model that

worked. According to the project's organizers, "a bunch of retirees in lawn chairs have done what Congress couldn't do." But by mid-April, the agenda changed. Chns Simcox and Jim Gilenst, the group's primary organizers, split into two camps over philosophical and operational differences. Gilenst plans to begin a picketing and protest campaign against U.S. businesses and corporations that continue to hire illegals and create a ready market for cheap labor. Simcox, who founded the Civil Homeland Defense organization, whose members have been volunteer border watchers for the past two years, says he will continue the momentum created by the Minuteman Project by spreading the operation to Texas, California and New Mexico. The project suddenly became less about media attention and modeling successful enforcement when the pair announced they were issuing a direct challenge to Congress: "The only way we'll stop is if Congress relieves us of duty by bringing in the National Guard or military personnel to guard the border," Simcox says. "We will not compromise. This is the only option."

According to Chief Austin, such a change in philosophy "points to a problem of credibility with the whole movement. Is their stated objective the real objective?"

The Minuteman Project ended April 30, and by its organizers' declaration was an enormous success, not only in the decreased number of apprehensions but in the exemplary comportment of its volunteers. Law enforcement is left to wrestle with something over which, in the end, it has no real power — illegal immigration. Police still have to clean up after the traffic accidents caused by fleeing "coyotes" smuggling carloads of people. They still have to deal with the detritus of the drug trade and the problems created by illegal immigrants who hurglanze homes in search of food and water. And if that isn't enough, there are hills pending in several states that would either allow or require local police to begin enforcing immigration law.

"Illegal immigration is an issue that is not going to go away," says Austin. "Law enforcement's response, as it goes on, is in a state of evolution as we try to find ways to cope."

*Lois Pilant Grossman is a freelance writer and editor from California. She is a veteran police science writer for law enforcement and public safety publications, as well as the U.S. Department of Justice, Department of Homeland Security and the University of Southern California.*

## Minuteman activity sparks Calif. violence

A civic club in Garden Grove, Calif., became the site of a violent melee in May when a motorist drove his van through a crowd of demonstrators protesting an appearance by an activist opposed to illegal immigration.

The activist, James Gilchrist, is the founder of the Minuteman citizen's border patrol. In April, the group staked out the Mexican border that runs along Arizona to spot illegal crossers. Hal Netkin, the 69-year-old driver, is a Gilchrist supporter and former secession candidate for City Council in the San Fernando Valley.

Roughly 300 protesters turned out for Gilchrist's speech at the Garden Grove Women's Club. The California Coalition for Immigration Reform, a group targeted by demonstrators, was to give Gilchrist a trophy for his border campaign.

Although the protest began calmly, authorities said, demonstrators became agitated after Netkin knocked two people to the ground as he was trying to leave the crowded parking lot. Then "all hell broke loose," said one participant. Protesters surrounded the van and began pounding on its windows. Soda cans, bricks and

other debris were thrown at police.

Five protesters were arrested on charges of assault with a deadly weapon and weapons possession.

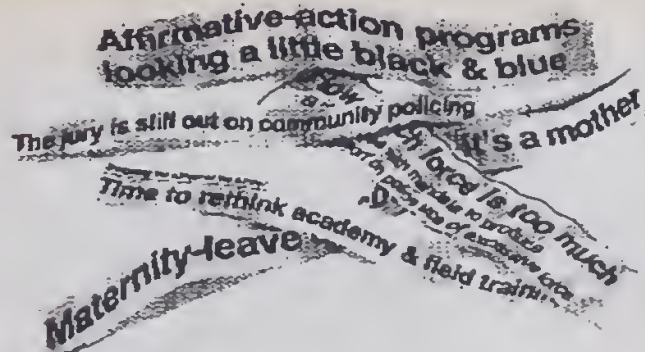
Netkin was released after police viewed a videotape that showed him trapped inside his vehicle by protesters. Demonstrators "[tried] to intimidate him and refused to let him pass," Lt. Mike Hanfield told The Los Angeles Times.

The Minuteman Project has won the praise of California Gov. Arnold Schwarzenegger. Border Watch, another group modeled on the Minuteman Project, will launch its campaign on Sept. 16, which is Mexican Independence Day.

Andy Ramirez, the group's organizer and the grandson of a Mexican immigrant, said he has received 700 applications from volunteers.

In New Mexico last month, another spinoff group said it would send 40 volunteers to the state's southern border. Clifford Alford, leader of the New Mexico Minuteman Project, said his group would offer food, water and medical aid to illegal border-crossers while notifying the U.S. Border Patrol of their presence.

## Headlines are not enough



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(705)

### Law Enforcement News

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## When psychology encounters the law

Continued from Page 12

that enables them to be better consumers of information and services provided by mental health professionals.

Despite the lugious nature of our contemporary American society, it may well be that there are areas of forensic psychology beyond those in the courtroom.

Other areas of forensic psychology, in my view, were barely touched. For example, the psychology of police is a focus of forensic psychology in which litigation plays a small role. An even smaller role is in the broader area of hostage negotiation and the newly developing psychology of terrorism. True, matters which are clearly within forensic psychology, such as the use of psychological profiling in investigation have not, as yet, been prominent in the courtroom. Nor has

the work on the treatment, prediction, and prevention of juvenile delinquency been primarily a matter of litigation. The grim truth is that there may be nothing in our lives that will not eventually precipitate a heated dispute in the courtroom in which forensic psychologists will be participating as experts. So a text for psychologists and lawyers, no matter how well done, is reaching into the future in calling itself a "Handbook of Forensic Psychology."

### MOVING?

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## Fair warning

*Patrolling the border with the Minutemen. On Page 8.*

**Plus: It's almost time to say goodbye to 10-codes. See Page 1.**

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## WHAT THEY ARE SAYING:

"As it is right now, counties' 10-codes are different for every county. You could have a major catastrophe, or you think you do, and you come over here and it's really nothing."

— Cathey Mathis, director of the Bedford County, Tenn., 911 Communications Center, on plans to switch from "10-code" communications to plain talk. (Story, Page 1.)